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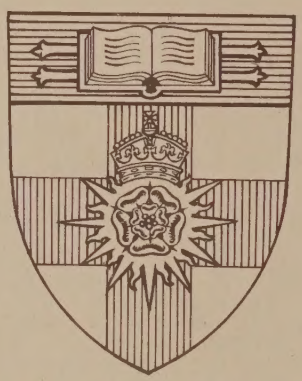

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ACCOUNTS AND PAPERS:

SIXTY-FIVE VOLUMES.

—(*15*)—(PART 1.)—

EAST INDIA—*continued.*

ADVISORY AND LEGISLATIVE COUNCILS.

Session

29 *January* 1908 —— 21 *December* 1908.

VOL. LXXVI.—PART I.

1908.

ACCOUNTS AND PAPERS:

1908.

SIXTY-FIVE VOLUMES:—CONTENTS OF THE

FIFTEENTH VOLUME—PART 1.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Paper; *and the* Figures *at the* end of the line, *refer to the* Paging *of the Volumes arranged for The House of Commons.*

EAST INDIA—*continued.*

East India (Advisory and Legislative Councils, &c.):

[Cd. 4426.] Vol. I.—Proposals of the Government of India and Despatch of the Secretary of State (in continuation of [Cd. 3710], of 1907). p. 1

[Cd. 4435.] Vol. II.—Part I. Replies of the Local Governments, &c.—Enclosures I. to XX. to the Letter from the Government of India, No. 21, dated 1st October 1908. 55

EAST INDIA (ADVISORY AND LEGISLATIVE COUNCILS, &c.).

VOL. I.

PROPOSALS OF THE GOVERNMENT OF INDIA

AND

DESPATCH OF THE SECRETARY OF STATE.

(*In continuation of* Cd. 3710 *of* 1907.)

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
By DARLING & SON, Ltd., 34-40, Bacon Street, E.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, Ltd., Fetter Lane, E.C., and
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E. PONSONBY, 116, Grafton Street, Dublin.

1908.

[Cd. 4426.] *Price* 5½*d.*

TABLE OF CONTENTS.

No.	Document.	Date.	From.	To.	Subject.	Page.
1	Letter ...	1908. 1st Oct. ...	Government of India.	Secretary of State for India.	Proposals for constitutional reforms.	1
2	Despatch	27th Nov...	Secretary of State for India.	Governor-General in Council.	Reply to suggestions in No. 1.	42

NOTE.—The enclosures to No. 1 are presented in separate volumes.

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No. 21 of 1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 1st October 1908.

MY LORD,

WE have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by His Excellency the Viceroy in a minute reviewing the political situation in India. Lord Minto then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to local Governments, no. 2310-17, dated the 24th August 1907. After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

2. *Reception of the scheme.*—The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticism from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races, and communities, is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantage can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the local Governments. From the landholders, whether Hindu or Muhammadan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions which leave their principle untouched. They welcome the

separate representation of the landowning interest on the Legislative Councils, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Muhammadans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Muhammadans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory ; they protest against class electorates for the Legislative Councils ; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more members on the Imperial Legislative Council.

3. The divergent opinions briefly summarised here bear striking testimony to the wisdom of Lord Lansdowne's Government in describing Indian society as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education, that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of the opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

Despatch of 26th October 1892.

AN IMPERIAL ADVISORY COUNCIL.

4. *Opinions on its composition.*—The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of 24th August 1907. The Council then suggested was to consist of about sixty members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse ; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone ; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal and Assam approve generally of the scheme. Most of the non-officials receive with enthusiasm

the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status; that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

5. *Criticisms on the functions of the Council.*—Apart from the qualifications of its personnel the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

6. *Recommendations of the Government of India.*—We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor General in the guardianship of common and Imperial interests.

7. *Proposal for a Council of British Indian Notables.*—The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

8. *The Council of Chiefs.*—Concerning the manner in which a Council of Chiefs should be called into existence we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control, as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

9. *Number and term of office.*—Passing now to the questions of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that His Lordship said that he could not recommend a larger number "without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office, or to Chiefs not wholly fitted for the dignity of Councillors." Eventually only eight Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The members would hold office during the Viceroy's pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

10. *Subjects for discussion.*—There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative, and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request. We do not, however, think it desirable in announcing the creation of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration would, on the one hand, tend to limit consultation, while on the other it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

11. *Meetings and procedure.*—For much the same reasons it does not appear to us to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council, and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

PROVINCIAL ADVISORY COUNCILS.

12. *The Government of India's original proposal.*—In our letter of the 24th August 1907, we suggested that the various Provincial Governments should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. These Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council ; and it was observed that the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. Each local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

13. *Views of local Governments.*—The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. The Government of Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of 35 nominated members, including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the province is not yet ripe for such a measure. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings He suggests a Council composed of the members of the Legislative Council and representatives of other interests, including members elected by the District Advisory Councils which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 members elected by district boards and large municipalities, 6 members nominated to represent the commercial classes and minorities, and 11 official members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of 13th March, and, instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large

Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential," while for the Punjab a small confidential Council is proposed.

14. *Views of other persons.*—The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions, and retired officials, to larger bodies of 50, 60 or 80 members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same proposals as the professional class. The Maharaja of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; Sir Faiyaz Ali Khan proposes an elected Council; the Raja of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocate district representation, power of initiating questions, and publication of opinions. The Muhammadan opinions are almost unanimous in desiring a Council, but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with 25 or 30 members. Several writers suggest that religious interests should be specially represented. Among the Muhammadans of the Punjab the best opinion accepts a small Council of six or seven members as appropriate.

15. *Final recommendations of Government of India.*—The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim, but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a local Government to have a small body of Councillors to whom he could turn for advice before his policy was definitely shaped, or whom he could use as a channel of communication with the public in matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any local Government to make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard model

would not be confined to a single province, but would inevitably affect the administration of other provinces and of India as a whole. The appointment of members would naturally rest with the local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine, in consultation with the Council whether and in what form a statement of the views of the Council should be published.

THE IMPERIAL LEGISLATIVE COUNCIL.

16. The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in Sir Courtenay Ilbert's *Government of India* and need not be repeated here. Under the law and rules at present in force the Council stands thus :—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council			8
Additional.			
A.—Nominated members ; not more than 6 to be officials ; the non-officials to be nominated with reference to legislative business or to represent interests			11
B.—Elected members—			5
(*a*) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces ...	4		
(*b*) by the Calcutta Chamber of Commerce ...	1		
Total ...			24
or, including His Excellency the Viceroy			25

17. In our letter of 24th August 1907 we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner :—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council			8
Additional.			
A.—Nominated members; not more than 20 to be officials; of the non-officials, one to be a Ruling Chief; four to represent minorities or special interests, not less than two being Muhammadans ; and two, when necessary, to be experts nominated for special purposes			27
B.—Elected members—			18
(*a*) by the Chambers of Commerce of Calcutta and Bombay	2		
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7		
(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	7		
(*d*) by Muhammadans	2		
Total ...			53
or, including His Excellency the Viceroy			54

18. *Principle of representation.*—We have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In our judgment these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago, in the course of the discussions leading up to the report of Sir George Chesney's Committee, Mr. (now Lord) MacDonnell, then Home Secretary to Lord Dufferin's Government, said in a note which was forwarded to the India Office: "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities, and creeds, widely differing *inter se* in a variety of ways." On the same occasion Sir George Chesney expressed similar views, and Sir Charles Aitchison observed that "the division of the people into creeds, castes, and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in Lord Dufferin's Minute annexed to the Government of India's Despatch of the 6th November 1888 describes the population of India as "composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, His Highness the Aga Khan has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect no signs of the advent of that unity which is the first essential to the creation of a modern State."

19. These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law in 1892. In the Upper House Lord Ripon referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India". Lord Kimberley said—"the notion of a Parliamentary representation of so vast a country—almost as large as Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body.....the Muhammadans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." Lord Northbrook considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion Lord Kimberley agreed with Lord Northbrook, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Muhammadans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of Mr. Gladstone, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilisation, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew attention to "the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." Mr. Samuel Smith spoke of "the endless shades of caste, race, and religion in India"; Sir William Plowden and Sir Richard Temple followed in the same strain; and the latter

observed that "in fixing the ratio of members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

20. To the principle thus affirmed by both Houses of Parliament Lord Lansdowne's Government endeavoured to give as wide a scope, as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to local Governments on the 15th August 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of the direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believed that the non-official members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent. have belonged to the professional middle class; the landholders have obtained 27 per cent. of the seats, and the Muhammadans only 12 per cent.; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests, and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only.

Communities.

	Number.	Per cent.
Hindus	158,601,000	68
Muhammadans	53,804,000	23
Buddhists	9,411,000	4
Christians	1,904,000	·81
Sikhs	1,574,000	·67
Jains	479,000	·20

Interests.

Agriculture	155,678,000	67·1
Commerce and Industry	38,302,000	16·5
Professions	3,871,000	1·6

Adult Males.

Literate in English	625,000	1
Literate in Vernacular	8,616,000	14

21. Starting from these data, and bearing in mind the principles laid down by Parliament in 1892 for the guidance of Lord Lansdowne's Government, we propose that the Imperial Legislative Council should be constituted as follows :—

A. *Ex-officio* members		8
B. Officials representing provinces		8
C. Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts		18
*D. Elected members—		28
†(*a*) By the Provincial Legislative Councils and by the Advisory Council of the Central Provinces	12	
(*b*) By the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	7	
(*c*) By Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay	5	
(*d*) By Chambers of Commerce of Calcutta and Bombay ...	2	
‡(*e*) By representatives of Indian commerce	2	
Total ...		62
or, including His Excellency the Viceroy		63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of 31 officials and the same number of non-officials, so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we propose are stated in detail in the following paragraphs.

22 *Enlargement of the Council.*—In our letter of 24th August 1907 we suggested that the size of the Council should be more than doubled. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

23. *Power to create an official majority.*—The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of 24th August 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious that under existing constitutional conditions the Government cannot resign; it must be able to settle the budget and procure supplies for the service of the country; and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General, in consultation with local Governments, until a method of election can be devised.

practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the Hon'ble Mr. Gokhale, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority" of non-official members. In all provinces the opinions which carry most weight, owing to the position of the writers or their experience as members of a Legislative Council, proceed on similar lines; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognizance should be taken of the votes. We gladly recognise the moderation and good sense by which these views are inspired. At the same time, in order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding His Excellency the Viceroy) for 31 official members,—8 *ex-officio*, 8 representing provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale.

24. *Ordinary constitution of the Council.*—We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the non-official members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated members not more than 15 shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority, but to reserve power in the last resort to transform it into a majority.

25. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Muhammadan or the Sikh community.

26. *Representation of the professional middle class.*—Our proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all local Governments except the Punjab, which observes that as the number of non-official members on its Provincial

Council will probably remain small, " it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council. " This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional provinces to be represented) than they now possess. Several suggestions are made for increasing the number by assigning two or more members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four provinces which will have comparatively large Provincial Councils, namely Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely the Punjab, Eastern Bengal and Assam, and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

27. *Representation of landholders.*—The proposal made in our letter of 24th August 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven members, is generally approved by the local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by associations in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. The Lieutenant-Governor of Eastern Bengal and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

28. We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, provinces will compete with each other in devising methods

of election and the best system will in the long run prevail. Meanwhile we may point out that the success of the Calcutta University in organizing the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

29. Where regular electorates cannot be formed, the simplest and most convenient method of selecting members would be to recognise election by associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by associations is admitted as the standard means of giving representation to classes, it seems probable that rival associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an association may be captured by a small ring of politicians; that its original character may be transformed by changing the conditions of membership or by manipulating admissions; or again that the whole organization may exist, as the Hon'ble Malik Umar Haiyat Khan has suggested, "more on paper than in practice." Lastly, where parties are formed within an association, with the result that the validity of an election is disputed and each party charges the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community have developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a member deserves special consideration; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be members of the electorate.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical; that our electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March 1890 both Lord Ripon and Lord Kimberley pointed out that when the Bengal Tenancy Act was under discussion in Lord Dufferin's Council "the only representative of the ryots was the Government." Among the official members of the Legislative Councils there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

30. *Representation of Muhammadans.*—All local Governments approve of the proposals for the special representation of Muhammadans which were made in our letter of 24th August 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Muhammadan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Muhammadan electorate, make provision in their scheme of a Council for the

election of two members by the Muhammadan community. Notwithstanding their formal protest against the principle of religious representation, the association doubtless realise that the Indian Muhammadans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming in many cases to belong to a different race from the Hindus.

The first question is how many seats should be allotted to the Muhammadan community. After carefully considering the demands of the Muhammadans themselves and the views expressed by the Hindus, we think that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Muhammadan population, namely, Bengal, Eastern Bengal and Assam, the Punjab, and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Muhammadan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed.

The question of a Muhammadan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Muhammadans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Muhammadans of Bombay are said to be widely scattered over the Presidency, and at present unorganised for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Muhammadan representative should be elected by the Provincial Muhammadan Association. The Lieutenant-Governor of the Punjab considers it impossible to form a Muhammadan electorate, and proposes that the Muhammadan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Muhammadan electorate is feasible, that method should be adopted; that Muhammadan associations should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the local Government to determine, in consultation with the leaders of the Muhammadan community, which plan should be adopted.

31. *Representation of commerce.*—In the scheme put forward by us in August 1907 two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

(1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India;

(2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor General, in consultation with local Governments, until a method of election by commercial associations is developed.

It may be said that the first proposal excludes from representation the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures noted in the margin show how enormously the commercial interests of Bengal and Bombay preponderate over those of the other provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

Value of sea-borne trade in 1907-08.

	Rs.
Bengal	1,64,84,29,000
Bombay	1,67,53,10,000
Sind	42,65,26,000
Madras	43,70,37,000
Burma	63,55,69,000
Eastern Bengal and Assam	7,22,49,000

32. *Seats reserved for nomination.*—We have explained above our reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. We find it impossible, without increasing the size of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connexion with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

PROVINCIAL LEGISLATIVE COUNCILS.

33. In our letter of the 24th August 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

34. *General remarks.*—In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated members not more than a certain number shall be officials; the non-officials being representatives of minorities or special interests, or experts. This will enable the head of the Government to dispense with an official majority in the Council as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials requisite to secure a majority of one in the

full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have made no attempt to frame regular constituencies for the election of landholders, Muhammadans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income-tax or upon the income derived from land; others may permit associations to recommend members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by us except the Council for Burma, we proceed to state our proposals for Councils of the maximum strength for each province.

MADRAS.

35. Under the rules at present in force the Madras Legislative Council stands thus :—

Ex-officio.

Members of the Executive Council		2
Advocate General		1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 *peshkash* annually		13
B.—Elected members—		7
(*a*) by Corporation of Madras	1	
(*b*) by Municipalities and District Boards	4	
(*c*) by the University	1	
(*d*) by the Chamber of Commerce, or other commercial bodies	1	
Total ...		23
or, including the Governor ...		24

The statistics from 1893 to 1906 show the professional middle class holding 66·6 of the selected seats; the landholders 5·5; European commercial members 24·1; and the representatives of Indian Commerce 1·9. No Muhammadan has succeeded in obtaining a seat by election; and throughout the period the members elected by the district boards and municipalities have belonged, with one exception, to the professional middle class. The communities and

interests for which provision ought to be made in any comprehensive scheme of representation are the following :—

Communities.

	Number.	Per cent.
Hindus	34,048,000	89
Muhammadans	2,457,000	6
Christians	1,024,000	2·7

Interests.

Agriculture	26,356,000	69
Commerce and Industry	6,998,000	18
Professions	620,000	1·6

Adult Males.

Literate in English	117,000	1·2
Literate in Vernacular	1,587,000	16·5

36. In their letter of 13th March 1908, after discussing certain alternative schemes, the Madras Government proposed a Council of only 33 members, which was too small for the needs of the province, and was open to the further objections that it gave insufficient representation to the professional middle class; that it assigned no separate seats to the landholders, and only one seat to the Muhammadans; that it made no provision for Indian commerce; and that it reserved two seats for election by two General Assemblies similar to the representative assemblies of Mysore and Travancore, on a plan which the local Government have since abandoned. In their letter of the 22nd August the Government of Madras have now put forward the following plan of a Council :—

Ex-officio.

Members of the Executive Council	2
Advocate General	1

Additional.

A. Nominated members, not more than 18 to be officials : the non-officials to be representatives of special interests or minorities or experts	21	
B. Elected members...	17	
(*a*) By Corporation of Madras	1	
(*b*) By municipalities and District Boards	8	
(*c*) By the University	1	
(*d*) By landholders	4	
(*e*) By Muhammadans	2	
(*f*) By the Chamber of Commerce	1	
Total ...		41
or, including the Governor		42

37. We recognise that this Council is framed on more liberal lines than that originally contemplated, but it is still defective in that it makes no provision for the representation of Indian Commerce and the planting community by election. It also provides for a somewhat larger official majority than is really necessary. The Madras Government explain that they find it difficult to procure an official vote of more than 19 Members including the Advocate General. They have, however, not realised that the full official majority will only be required on rare occasions, so that the inconvenience and dislocation of public

business which they anticipate will not be experienced in practice. We are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and after careful consideration of the local requirements we think that the total should be fixed at 46. We therefore recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, as shown below:—

Ex-officio.

Members of the Executive Council	...	...	2
Advocate General	...	...	1

Additional.

A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities or experts	...	...	24
B.—Elected members—	...	...	19
(*a*) By Corporation of Madras ...	...	1	
(*b*) By municipalities and District Boards	...	8	
(*c*) By the University ...	...	1	
(*d*) By landholders	...	4	
(*e*) By the planting community ...	...	1	
(*f*) By Muhammadans	...	2	
(*g*) By the Chamber of Commerce ...	...	1	
(*h*) By the Indian commercial community	...	1	
Total	...		46
or, including the Governor ...	...	...	47

This scheme gives twice as many elected members as were originally proposed by the Madras Government; it raises the representation of the professional middle class from 6 to 10; it gives 5 elective seats to the landholders and planters and 2 to the Muhammadans; and it provides a separate member for the Indian commercial community.

BOMBAY.

38. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows:—

Ex-officio.

Members of the Executive Council ...	...	...	2
Advocate General	...	...	1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community ...			12
B.—Elected members—	...	...	8
(*a*) by Corporation of Bombay ...	...	1	
(*b*) by Municipalities*	...	1	
(*c*) by District Boards*	...	2	
(*d*) by Bombay University	...	1	
(*e*) by Sardars of the Deccan and Zamindars of Sind	...	2	
(*f*) by Bombay Chamber of Commerce, or other commercial bodies		1	
Total	...		23
or, including the Governor	...		24

* Voting by electoral representatives on a population scale.

Including the Governor, this provides for an official majority of 13 officials against 11 non-officials. But, as is shown in paragraph 14 of the Bombay Government's letter, the present Council consists of 10 officials (including the Governor)

and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on some non-official support. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. Writing in 1906, Lord Lamington mentioned as defects in the composition of the present Council (*a*) the over-representation of Bombay city; (*b*) the over-representation of the professional class; (*c*) the under-representation of land and agriculture; (*d*) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The local Government expressed a similar opinion in 1899 when reporting on the working of the regulations made under the Act of 1892. The statistics from 1893 to 1906 shew that the professional middle class obtained 50·7 per cent. of the elective seats; the landholders 22·6; the Muhammadans 11·3; and Indian Commerce 2·8. The chief component elements of the population are as follows:—

	Number.	Per cent.
Communities.		
Hindus	14,197,000	77
Muhammadans	3,726,000	20
Christians	205,000	1
Jains	227,000	1
Interests.		
Agriculture	11,026,000	59
Commerce and Industry	3,715,000	20
Professions	323,000	1·7
Adult Males.		
Literate in English	91,000	1·8
Literate in Vernacular	747,000	14·9

39. The Government of Bombay put forward two alternative schemes, a smaller one and a larger one. The smaller, which has the support of a majority of the local Executive Council, is as follows:—

Ex-officio.		
Members of the Executive Council		2
Advocate General		1
Additional.		
A.—Nominated members; not more than 9 to be officials; the non-officials to be representatives of specials interests or minorities, or experts		24
B.—Elected members—		17
(*a*) by Corporation of Bombay	1	
(*b*) by Municipalities	4	
(*c*) by District Boards	4	
(*d*) by the University	1	
(*e*) by landholders	3	
(*f*) by Bombay Chamber of Commerce	1	
(*g*) by Karachi Chamber of Commerce	1	
(*h*) by Mill-owners' Associations of Bombay and Ahmedabad alternately	1	
(*i*) by Indian commercial community	1	
Total		44
or, including the Governor		45

The advantages of this scheme are :—

(1) That it gives adequate representation to European commerce, restores to the Karachi Chamber the seat taken away from it in 1896 (not, as the Bombay Government incorrectly say, in 1892), and admits the claim of the mill industry to distinct recognition.

(2) That it gives Indian commerce one member, to be elected by an association of native merchants.

(3) That it assigns eight seats to the professional middle class through the district boards and municipalities, in addition to the members for the University and Corporation, so that this class will get ten out of seventeen elective seats, and may get more by nomination.

(4) That it gives three seats to the landholders.

On the other hand it has two conspicuous defects :—

(*a*) It provides (including the Governor) for only 13 official members, 4 ex-officio and 9 nominated and thus leaves the Government in a substantial minority.

(*b*) It assigns no separate seats to the Muhammadans.

40. For these reasons we recommend that the Bombay scheme be modified as follows :—

Ex-officio.

Members of Executive Council	2
Advocate General	1

Additional.

A.—Nominated members; not more than 20 to be officials : the non-officials to be representatives of special interests or minorities or experts ...		23
B.—Elected members—		20
(*a*) by Corporation of Bombay	1	
(*b*) by Municipalities	4	
(*c*) by District Boards	4	
(*d*) by the University	1	
(*e*) by landholders	3	
(*f*) by Muhammadans	3	
(*g*) by Bombay Chamber of Commerce	1	
(*h*) by Karachi Chamber of Commerce	1	
(*i*) by Millowners' Associations of Bombay and Ahmedabad alternately	1	
(*j*) by Indian commercial community	1	
Total ...		46
or, including the Governor		47

It will be observed that the provision made by us for the appointment of nominated members under head A of our scheme leaves it open to the Bombay Government to dispense with an official majority if they consider that they can carry on the business of the Council without one. As regards Muhammadans, the opinions sent up by the Bombay Government seem to indicate that nothing but separate representation will satisfy the community, and that they resent the idea of nomination. We accordingly recommend that the Muhammadans should be given three seats, as proposed above, one for Sind and two for the Presidency ; and that the Bombay Government should be asked to consider whether an electorate can be formed, or if that is not possible, whether associations can be utilised for the purpose of proposing members for nomination by the Governor. We would further observe that our proposals are more liberal than those made by the Bombay Government, since they raise the number of elected members from 17 to 20. We do not think it necessary to discuss the second Bombay scheme, which has the support of only one member of the local Government.

BENGAL.

41. The Bengal Legislative Council now stands thus:—

A.—Nominated members; not more than 10 to be officials, the non-officials to represent different classes of the community ...		13
B.—Elected members—		7
(*a*) by Corporation of Calcutta	1	
(*b*) by Municipalities (by rotation)	1	
(*c*) by District Boards (by rotation)	2	
(*d*) by the University...	1	
(*e*) by Landholders' Associations	1	
(*f*) by Chamber of Commerce or other commercial bodies	1	
Total ...		20
or, including the Lieutenant-Governor		21

The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the professional middle class, 13·2 from the landholders; 5·7 from the Muhammadans; 20·8 from the European commercial community; and 3·8 from the representatives of Indian commerce. The chief elements of the population are:—

	Number.	Per cent.
Communities.		
Hindus	39,266,000	77
Muhammadans	9,027,000	18
Christians	246,000	·5
Interests.		
Agriculture	34,264,000	67
Commerce and Industry	7,048,000	13·8
Professions	856,000	1·6
Adult males.		
Literate in English	176,000	1·4
Literate in Vernacular	1,906,000	14·9

42. The Lieutenant-Governor proposes a Council constituted as follows:—

A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts		22
B.—Elected members—		14
(*a*) by Corporation of Calcutta	1	
(*b*) by Municipalities and District Boards ...	7	
(*c*) by the University	1	
(*d*) by landholders	2	
(*e*) by the Chamber of Commerce	1	
(*f*) by the Calcutta Trades Association	1	
(*g*) by the Indian commercial community ...	1	
Total ...		36
or, including the Lieutenant-Governor		37

The scheme is almost identical with that propounded by the British Indian Association in their letter of 10th December 1907. Its weak points appear to us to be :—

(1) That the Council suggested is too small.

(2) That it gives insufficient representation to the educated classes.

(3) That it gives too few seats to the landholders.

(4) That it refuses separate representation to the Muhammadans.

(5) That it assigns too few seats to European Commerce, and does not provide for the representation of the planting community.

43. Our Hon'ble colleague Sir Edward Baker was in general agreement with these criticisms on the local Government's scheme. After considering the views of the Lieutenant-Governor, we propose the following constitution :—

A.—Nominated members not more than 23 to be officials : the non-officials to be representatives of special interests or minorities or experts		26
B.—Elected members		20
(*a*) by Corporation of Calcutta	1	
(*b*) by Municipalities	4	
(*c*) by District Boards	4	
(*d*) by the University	1	
(*e*) by landholders	4	
(*f*) by the planting community	1	
(*g*) by Muhammadans	2	
(*h*) by the Chamber of Commerce	1	
(*i*) by the Calcutta Trades Association	1	
(*j*) by the Indian commercial community	1	
Total		46
or, including the Lieutenant-Governor		47

We believe this Council to be large enough to meet the requirements of the province, the population of which exceeds that of the United Provinces by only three millions. The Council suggested by us gives ten seats to the professional middle class, five to the landholders, including one for the planting community, who at the present time have vital interests at stake and cannot properly be omitted, two to the Muhammadans, and three to trade and commerce.

UNITED PROVINCES.

44. The Legislative Council of the United Provinces is at present constituted as follows :—

A.—Nominated members ; not more than 7 to be officials ; non-officials to represent different classes of the community ...		9
B.—Elected members—		6
(*a*) by groups of Municipalities	2	
(*b*) by groups of District Boards	2	
(*c*) by University of Allahabad	1	
(*d*) by Upper India Chamber of Commerce or other commercial bodies	1	
Total ...		15
or, including the Lieutenant-Governor		16

In commenting on the working of the existing regulations, Sir James LaTouche observed two years ago—

(1) That municipalities had practically always elected pleaders.

(2) That District Boards do not as a rule elect great landowners. In illustration of this he pointed out that Munshis Nehal Chand and Madho Lall "belong to the English educated class and, though they hold land, are only incidentally landowners."

(3) That no Muhammadan had ever been elected by a representative group. (Since this statement was made one has been appointed.)

(4) That the professional middle class had generally secured five out of the six elective seats.

(5) That Indian Commerce was unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.

(6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the professional middle class holding 50 per cent. of the elective seats, landholders 20·6; Muhammadans none; Indian merchants none, and European Commerce 20·6. The principal elements of the population are—

	Number.	Per cent.
Communities.		
Hindus	40,757,000	85
Muhammadans	6,731,000	14
Interests.		
Agriculture	31,181,000	65
Commerce and Industry	7,560,000	16
Professions	622,000	1·3
Adult Males.		
Literate in English	65,000	·5
Literate in Vernacular	1,033,000	7·9

45 The reconstruction of the Council has been thoroughly worked out and explained in paragraphs 19 to 30 of the local Government's letter of the 16th March 1908. The Council proposed is thus constituted:—

A.—Nominated members; not more than 22 to be officials; the non-officials to represent special interests or minorities ...		28
B.—Elected members—		16
(*a*) by large municipalities in rotation	2	
(*b*) by District Boards and smaller Municipalities ...	8	
(*c*) by Allahabad University	1	
(*d*) by landholders	2	
(*e*) by Muhammadans	2	
(*f*) by Upper India Chamber of Commerce ...	1	
Total ...		44
or, including the Lieutenant-Governor		45

46. After carefully considering all the questions raised by the local Government's letter and the opinions forwarded with it, we recommend a Council composed as follows:—

A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts		27
B.—Elected members—		19
(*a*) by large Municipalities in rotation	2	
(*b*) by District Boards and smaller Municipalities ...	8	
(*c*) by Allahabad University	1	
(*d*) by landholders	2	
(*e*) by Muhammadans	4	
(*f*) by Upper India Chamber of Commerce ...	1	
(*g*) by the Indian commercial community ...	1	
Total ...		46
or, including the Lieutenant-Governor		47

Our scheme does not differ materially from that proposed by the Lieutenant-Governor. The number, both of officials and non-officials, has been raised by one in order to bring the size up to that of the standard model. Provision has been made for the representation of the Muhammadans by four elected members, instead of by two elected and two nominated members, and a separate seat has been provided for the Indian commercial community, which will be filled up by election whenever a suitable constituency can be found.

Eastern Bengal and Assam.

47. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community	...	9
B—Elected members—	...	6
(*a*) by Municipalities and District Boards ...	3	
(*b*) by Associations of landholders	1	
(*c*) by Associations of merchants	1	
(*d*) by Commissioners of Port of Chittagong ...	1	
Total	...	15
or, including the Lieutenant-Governor ...	...	16

The chief component elements of the population are—

	Number.	Per cent.
Communities.		
Hindus	11,350,000	37
Muhammadans	17,813,000	58
Buddhists	172,000	·5
Interests.		
Agriculture	23,957,000	78
Commerce and Industry	3,377,000	11
Professions	527,000	1·7
Adult Males.		
Literate in English	62,000	·9
Literate in vernacular	965,000	12·5

48. The local Government now proposes a Council constituted as follows :—

A.—Nominated members; not more than 12 to be officials; the non-officials to be representatives of special interests or minorities		15
B.—Elected members—		10
(*a*) by Municipalities	2	
(*b*) by District and Local Boards	3	
(*c*) by Bengal Landholders' Association ...	1	
(*d*) by Provincial Muhammadan Association ...	1	
(*e*) by tea interest	1	
(*f*) by jute interest	1	
(*g*) by Commissioners of Port of Chittagong ...	1	
Total	...	25
or, including the Lieutenant-Governor ...	...	26

49. This scheme appears to us to be defective in the following respects :—

(1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.

(2) The representation given to the professional middle class (5 seats) is insufficient.

(3) The Muhammadans and the landholders are inadequately represented.

For these reasons we propose the following Council :—

A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities or experts			21
B.—Elected members			15
*(*a*) by Municipalities and District and Local Boards ...	8		
(*b*) by landholders	2		
(*c*) by Muhammadans	2		
(*d*) by tea interest	1		
(*e*) by jute interest	1		
(*f*) by Commissioners of Port of Chittagong ...	1		
			36
or, including the Lieutenant-Governor			37

We find it impossible to enlarge the Legislative Council of Eastern Bengal and Assam up to the standard proposed for the older provinces, because it is difficult to provide more than 18 official members without unduly disturbing administrative business. But the proposals made by us appear to meet the essential requirements of the province. They give sufficient representation to the professional middle class, the landholders, and the Muhammadans, and they assign separate members to the tea and jute industries, and to the Commissioners of the growing port of Chittagong. The Assamese inhabitants of the Brahmaputra Valley will for the first time obtain separate representation, and the reservation of three seats for nomination will place it in the power of the Lieutenant-Governor to meet the claims of the tenantry of the province to have an opportunity of expressing their views on the questions of the day. Although the Muhammadans form a majority of the population of the province, they are at present comparatively unorganized, and they can only be adequately represented by means of a special electorate.

PUNJAB.

50. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of —

A.—Nominated members—		
Officials		4
Non-officials		5
	Total	9
or, including the Lieutenant-Governor		10

All the members are nominated. The non-officials are one Christian, two Muhammadans, one Sikh, and one Hindu. In framing a scheme of representation the following factors have to be considered :—

	Number.	Per cent.
Communities.		
Hindus	7,874,000	38
Muhammadans	10,825,000	53
Sikhs	1,517,000	7
Interests.		
Agriculture	10,998,000	54
Commerce and Industry	4,814,000	23
Professions	450,000	2·2
Adult Males.		
Literate in English	54,000	·9
Literate in vernacular	564,000	9·9

Voting together by divisions, *viz.*, Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, Surma Valley 1

51. In paragraphs 40 to 46 of his letter of 6th July 1908 the Lieutenant-Governor proposes a Council of the following composition :—

A.—Nominated members ; not more than 10 to be officials ; the non-officials to represent Muhammadans, Hindus, Sikhs and other interests			17
B.—Elected members—			4
(*a*) by the commercial community ...	1		
(*b*) by the Punjab University	1		
(*c*) by the larger cities	2		
Total ...			21
or, including the Lieutenant-Governor			22

52. In the Council proposed by the local Government, we find several features of which we are unable to approve. We think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. We have excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time to appoint one. No other Provincial Government contemplates the appointment of a Ruling Chief, and we are reluctant to admit this as a permanent feature of the Punjab Council. There is room for nominating a Chief if desired, under the heads Muhammadans, Hindus, Sikhs, and other interests. Nor do we see any reason for the mention of a Native Christian among the commercial classes, as that electorate may be expected invariably to return a European. As regards the members for the larger cities, the Lieutenant-Governor proposes that the eleven cities mentioned by him should each nominate one representative, and that the two members of the Council should be selected by him from among these eleven nominees. In our opinion this method would be regarded as no better than nomination pure and simple. Each city, having only one chance in five of electing its nominee, would take no interest in the election, and the professional middle class would receive the proposal with great dissatisfaction.

53. We have had the advantage of discussing this objection with the Lieutenant-Governor, and with His Honour's concurrence we propose a Council constituted as follows :—

A.—Nominated members ; not more than 12 to be officials, the non-officials to represent Muhammadans (2), Hindus (1), Sikhs (1) and other interests			19
B.—Elected members			5
(*a*) by the commercial community	1		
(*b*) by the Punjab University	1		
(*c*) by the larger cities	3		
Total ...			24
or, including the Lieutenant-Governor ...			25

The scheme thus modified promises to give adequate representation to the Hindus of the commercial and professional classes, and to the Muhammadan, Hindu and Sikh landowners, while it reserves three nominations for other interests not specifically provided for. The city electorate will consist of three groups representing respectively the Cis-Sutlej territory, the Central Punjab with the Sikh districts, and the Western Punjab in which the population is largely Muhammadan. We believe these proposals to be as advanced as the present circumstances of the Punjab demand, and we recommend their acceptance.

BURMA.

54. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab. As at present constituted it consists of—

Nominated members—		
Officials		5
Non-officials		4
Total ...		9
or, including the Lieutenant-Governor ...		10

Two of the non-officials are Burmese. In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the municipal Committee of Rangoon.

55. The Lieutenant-Governor proposes a Council constituted as follows :—

A.—Nominated officials			8
B.—Nominated non-officials—			6
(*a*) appointed after consultation with the Rangoon Trades Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab	1		
(*b*) to represent Indian and Chinese trading and mercantile interests	1		
(*c*) to represent Burmese population	4		
C.—Elected by the Burma Chamber of Commerce			1
Total ...			15
or, including the Lieutenant-Governor ...			16

56. The conditions of Burma are altogether peculiar; election is foreign to the ideas of the Burmese population, and neither they nor the Indian and Chinese immigrant commercial communities can at present be represented by any other means than nomination. In fact the only body in Burma that is capable of exercising the privilege of election is the Burma Chamber of Commerce.

For these reasons we propose a Council constituted as follows :—

A.—Nominated officials			8
B.—Nominated non-officials—			7
(*a*) to represent Burmese population	4		
(*b*) to represent Indian and Chinese commercial communities	2		
(*c*) to represent other interests	1		
C.—Elected by Burma Chamber of Commerce			1
Total ...			16
or, including the Lieutenant-Governor ...			17

RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.

57. *Power to move Resolutions.*—By the Act of 1861, under which the present Legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private member. Such discussions would give the Government, an opportunity of making their view of a question known, and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on such

questions, and to argue these in a regular debate, will be welcomed as a very great concession ; that it will be resorted to freely ; and that it will tend to bring about more intimate relations between the official and non-official members. We think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

58. This subject was not included among those which Your Lordship authorised us to put before local Governments, and our letter of 24th August 1907 contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by Sir George Chesney's Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the head of the Government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes; coin, bills, and notes; post office and telegraph; altering the Penal Code; religion; army and navy; patents or copyright; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the members of that Committee.

59. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seem to us, however, that the following conditions must be imposed from the first—

(1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.

(2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.

(3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.

(4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to anticipate, the decision of the Secretary of State.

(5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its

limits precisely. For the present we think it sufficient to say that some subjects must be specially excluded, and that the question, which those should be, can be best settled later on when the rules of business are drawn up.

(6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

60. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

61. *The discussion of the budget.*—Under this head it was proposed in our published letter of 24th August 1907 that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling the non-official members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India the discussions in the full Council can deal only with settled facts, since no alterations can be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

62. We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain. In our letter to local Governments we did not put forward any plan by which Members of Legislative Councils could vote on the budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain Your Lordship's approval.

63. *The Imperial Budget.*—These being the general objects which we have in view, we believe that they may be attained in the case of the

Imperial budget by laying down that the financial statement shall be presented during the last five days in February ; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates ; and we need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This disadvantage will, in our opinion, be amply counterbalanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a committee of the whole Council, with a Member of the Government in the chair; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit from day to day until its work is complete ; and there should be a rule requiring it to finish its business on or before the 10th of March ; since it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

64. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a resolution, in the form of a recommendation to the Government, relating to the figures in any head or group, two days' notice being given in each case. The Council would divide upon any resolutions which were pressed ; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the Budget is vested, not in the Council, but in the executive Government. This is not a mere verbal refinement; it denotes a constitutional fact ; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

65. When the Council sitting in Committee has completed its labours, it will be for the Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow; but at this stage no further resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate ; whereupon the budget would come into effect.

66. *The Provincial Budgets.*—In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is

not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence ; it will enlist some outside knowledge of local interests ; and it will give the non-official members a substantial share in the preparation of the budget.

67. What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the Provincial estimates. In this the local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *primâ facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It would rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide ; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure, as fixed by the Government of India, would then be communicated to the local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

68. The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12 : in the smaller councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines ; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the budget informally has been received with general approval.

69. On receipt of the Government of India's orders on its draft budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would

then vote upon them on their merits. On occasion, the Committee might decide to insert in the budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed, or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial budget.

70. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the budget, and insert any special grants for the province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial budget is opened. The local Government would at once print up its budget, and call a meeting of its Provincial Council, when the budget would be formally presented by the official in charge, with a speech describing its general purport.

71. The best method of conducting the consideration of the budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put one of the official members in charge. In committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the administrative department concerned. Any member would then be at liberty to move a resolution, in the form of a recommendation to the local Government, regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at their discretion to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the Provincial figures incorporated in the Imperial budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

72. The fourth stage would commence as soon as the Council sitting in Committee had finished with the budget. The local Government would then consider what alternations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial budget would then be compiled and printed. This would be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the local Government.

A debate would follow; but no resolution or voting would be permitted.

73. *Subjects for discussion.*—In regulating the new system of discussion, whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose, taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate; and we annex to this despatch a schedule showing what heads of the Imperial and provincial budgets we consider should be thus reserved. We desire to draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it as far as possible, to the financial aspects of the budget. The discussion of the budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

74. *Effect of Budget proposals.*—Our proposals under this head indicate a treatment of the budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenues of India. They will confer on local Governments a larger measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And, both in the Imperial and the Provincial Councils, they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of the Government, and to exert a real influence upon the actual work of administration.

GENERAL CONCLUSIONS.

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. We readily acknowledge the value of many of the criticisms that have reached us, and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and

have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilised by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding His Excellency the Viceroy, from 24 to 62, and to increase the number of non-official members from 10 to 31, and of elected members from 5 to 28. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official members to enable us to carry on the necessary work of legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range, and have endeavoured to afford proportionate representation to all classes that have reached a sufficiently high level of education, the landholders, the Muhammadans, the professional middle class, and the commercial community both Indian and European. To all of them, again, we propose to concede the novel right of moving resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures of the budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual every-day administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

76. In conclusion we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils, as Sir Charles Aitchison suggested in connexion with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those presidencies. But it would be premature to discuss these contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the provinces concerned.

77. We have appended schedules to this despatch to illustrate our proposals. The first of them gives in parallel columns the numbers and constitution of the existing Legislative Councils and of those now proposed. The second shows the heads of the Financial Statement in respect of which we propose that resolutions may be moved, and also those heads which we think should not form the subject of resolutions, though they would be open to discussion in the general debate with

which the budget procedure would terminate. The third states the substance of the amendments of the Act of 1892 which are necessitated by our proposals.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

C. H. SCOTT.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON.

SCHEDULE I.

IMPERIAL LEGISLATIVE COUNCIL.

EXISTING.		PROPOSED.	
Ex-officio.		*Ex-officio.*	
The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council	8	*The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council ...*	*8*
Additional.		*Additional.*	
		A.—Officials representing provinces	*8*
A.—Nominated members; not more than 6 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests	11	*B.—Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts ... ...*	*18*
B.—Elected members—	5	**C.—Elected members— ... ...*	*28*
(a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces	4	*†(a) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces ... ...*	*12*
(b) by the Calcutta Chamber of Commerce ...	1	*(b) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces ... ...*	*7*
		(c) by Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay	*5*
		(d) by Chambers of Commerce of Calcutta and Bombay	*2*
		‡(e) by representatives of Indian commerce	*2*
Total ...	24	*Total ...*	*62*
or, including His Excellency the Viceroy ...	25	*or, including His Excellency the Viceroy ...*	*63*

**Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.*

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡To be nominated by the Governor-General in consultation with local Governments until a method of election can be devised.

PROVINCIAL LEGISLATIVE COUNCILS.

MADRAS.		*MADRAS.*	
Ex-officio.		*Ex-officio.*	
Members of the Executive Council	2	*Members of the Executive Council ... ...*	*2*
Advocate-General	1	*Advocate-General ... ...*	*1*
Additional.		*Additional.*	
A.—Nominated members; not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 *peshkash* annually ...	13	*A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities, or experts ... ...*	*24*
B.—Elected members—	7	*B.—Elected members— ... ...*	*19*
(a) by Corporation of Madras ...	1	*(a) by Corporation of Madras*	*1*
(b) by Municipalities and District Boards	4	**(b) by Municipalities and District Boards ... ...*	*8*
(c) by the University ...	1	*(c) by the University ...*	*1*
(d) by the Chamber of Commerce, or other commercial bodies ...	1	*†(d) by landholders ...*	*4*
		(e) by the planting community	*1*
		‡(f) by Muhammadans ...	*2*
		(g) by the Chamber of Commerce	*1*
		(h) by the Indian commercial community	*1*
Total ...	23	*Total ... ...*	*46*
or, including the Governor ...	24	*or, including the Governor ... ...*	*47*

** Voting together in eight groups of about three districts each.*

† Voting in four groups of about six districts each.

‡ Elected or nominated as may be found practicable.

EXISTING.

BOMBAY.

Ex-officio.

Members of the Executive Council		2
Advocate-General		1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community		12
B.—Elected members—		8
(*a*) by Corporation of Bombay ...	1	
(*b*) by Municipalities* ...	1	
(*c*) by District Boards* ...	2	
(*d*) by Bombay University ...	1	
(*e*) by Sardars of the Deccan and Zamindars of Sind	2	
(*f*) by Bombay Chamber of Commerce, or other commercial bodies ...	1	
Total ...		23
or, including the Governor ...		24

* Voting by electoral representatives on a population scale.

BENGAL.

A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community		13
B.—Elected members		7
(*a*) by Corporation of Calcutta ...	1	
(*b*) by Municipalities (by rotation) ...	1	
(*c*) by District Boards (by rotation) ...	2	
(*d*) by the University	1	
(*e*) by Landholders' Associations ...	1	
(*f*) by Chamber of Commerce or other commercial bodies	1	
Total ...		20
or, including the Lieutenant-Governor ...		21

UNITED PROVINCES.

A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community		9
B.—Elected members—		6
(*a*) by groups of Municipalities ...	2	
(*b*) by groups of District Boards ...	2	
(*c*) by University of Allahabad ...	1	
(*d*) by Upper India Chamber of Commerce or other commercial bodies...	1	
Total ...		15
or, including the Lieutenant-Governor ...		16

PROPOSED.

BOMBAY.

Ex-officio.

Members of Executive Council		
Advocate-General		

Additional.

A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities, or experts		2
B.—Elected members—		2
(*a*) *by Corporation of Bombay* ...	1	
(*b*) *by Municipalities*	4	
(*c*) *by District Boards*	4	
(*d*) *by the University*	1	
(*e*) *by landholders*	3	
(*f*) *by Muhammadans*	3	
(*g*) *by Bombay Chamber of Commerce* ...	1	
(*h*) *by Karachi Chamber of Commerce* ...	1	
(*i*) *by Millowners' Associations of Bombay and Ahmedabad alternately* ...	1	
(*j*) *by Indian commercial community* ...	1	
Total ...		46
or, including the Governor		47

BENGAL.

A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts ...		26
B.—Elected members—		20
(*a*) *by Corporation of Calcutta* ...	1	
(*b*) *by Municipalities* ...	4	
(*c*) *by District Boards* ...	4	
(*d*) *by the University* ...	1	
(*e*) *by landholders*	4	
(*f*) *by the planting community* ...	1	
(*g*) *by Muhammadans* ...	2	
(*h*) *by the Chamber of Commerce* ...	1	
(*i*) *by the Calcutta Trades Association* ...	1	
(*j*) *by the Indian commercial community* ...	1	
Total ...		46
or, including the Lieutenant-Governor ...		47

UNITED PROVINCES.

A.—Nominated members; not more than 23 to be officials, the non-officials to be representatives of special interests or minorities, or experts ...		27
B.—Elected members—		19
(*a*) *by large Municipalities* ...	2	
(*b*) *by District Boards and smaller Municipalities ... ...*	8	
(*c*) *by Allahabad University ... ...*	1	
(*d*) *by landholders ... ...*	2	
(*e*) *by Muhammadans ... ...*	4	
(*f*) *by Upper India Chamber of Commerce* ...	1	
(*g*) *by the Indian commercial community* ...	1	
Total ...		46
or, including the Lieutenant-Governor ...		47

EXISTING.		PROPOSED.	
EASTERN BENGAL AND ASSAM.		*EASTERN BENGAL AND ASSAM.*	
A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community	9	*A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts* ...	21
B.—Elected members	6	*B.—Elected members—*	15
(*a*) by Municipalities and District Boards	3	*(*a*) *by Municipalities and District and Local Boards*	8
(*b*) by Associations of landholders ...	1	*(b) by landholders*	2
(*c*) by Associations of merchants ...	1	*(c) by Muhammadans*	2
(*d*) by Commissioners of Port of Chittagong	1	*(d) by tea interest*	1
		(e) by jute interest...	1
		(f) by Commissioners of Port of Chittagong	1
Total ...	15	*Total* ...	36
or, including the Lieutenant-Governor ...	16	*or, including the Lieutenant-Governor* ...	37

* *Voting together by divisions, viz., Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra valley 1, Surma valley 1.*

PUNJAB.		*PUNJAB.*	
A.—Nominated members:—		*A.—Nominated members; not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests* ...	19
Officials	4	*B.—Elected members—*	5
Non-officials	5	(*a*) *by the commercial community* ...	1
Total ...	9	(*b*) *by the Punjab University* ...	1
or, including the Lieutenant-Governor ...	10	(*c*) *by the larger cities* ...	3
		Total ...	24
		or, including the Lieutenant-Governor ...	25

BURMA.		*BURMA.*	
A.—Nominated members:—		*A.—Nominated officials*	8
Officials	5	*B.—Nominated non-officials*	7
Non-officials	4	(*a*) *to represent Burmese population* ...	4
Total ...	9	(*b*) *to represent Indian and Chinese commercial communities*	2
or, including the Lieutenant-Governor ...	10	(*c*) *to represent other interests*	1
		C.—Elected by Burma Chamber of Commerce ...	1
		Total ...	16
		or, including the Lieutenant-Governor ...	17

SCHEDULE II.

A.—The Imperial Budget.

Revenue.		Expenditure.	
Heads for debate.	*Heads excluded from debate.*	Heads for debate.	*Heads excluded from debate.*
I. Land Revenue.	*IV. Stamps.*	1. Refunds and Drawbacks.	*2. Assignments and Compensations.*
II. Opium.	*VII. Customs.*	3. Land Revenue.	*13. Interest on Debt.*
III. Salt.	*VIII. Assessed Taxes.*	4. Opium.	*23. Ecclesiastical.*
V. Excise.	*XI. Tributes from Native States.*	5. Salt.	*25. Political.*
VI. Provincial Rates.	*XVI-A. Courts of Law.**	6. Stamps.	*27. Territorial and Political Pensions.*
IX. Forest.	*XXXII. Army.*	7. Excise.	*38. State Railways‡.*
X. Registration.	*XXXIII. Marine.*	8. Provincial Rates.	*42. Major Works: Interest on Debt.*
XII. Interest.	*XXXIV. Military Works.*	9. Customs.	*46. Army.*
XIII. Post Office.	*All purely Provincial revenue.*	10. Assessed Taxes.	*46-A. Marine.*
XIV. Telegraph.		11. Forest.	*47. Military Works.*
XV. Mint.		12. Registration.	*47-A. Special Defences.*
XVI-B. Jails.		14. Interest on other Obligations.	*All Statutory charges.*
XVII. Police.		15. Post Office.	*All purely Provincial expenditure.*
XIX. Education.		16. Telegraph.	
XX. Medical.		17. Mint.	
XXI. Scientific and other Minor Departments.		18. General Administration.†	
XXII. Receipts in aid of Superannuation.		19-A. Courts of Law.†	
XXIII. Stationery and Printing.		19-B. Jails.	
XXIV. Exchange.		20. Police.	
XXV. Miscellaneous.		22. Education.	
XXVI. State Railways.		24. Medical.	
XXVII. Guaranteed Companies.		26. Scientific and other Minor Departments.	
XXVIII. Subsidized Companies.		28. Civil furlough and Absentee Allowances.	
XXIX. Irrigation Major Works.		29. Superannuation Allowances and Pensions.	
XXX. Minor Works and Navigation.		30. Stationery and Printing.	
XXXI. Civil Works.		32. Miscellaneous.	
		33. Famine Relief.	
		34. Construction of Protective Railways.	
		35. Construction of Protective Irrigation Works.	
		36. Reduction or Avoidance of Debt.	
		39. Guaranteed Companies.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway Expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		45. Civil Works.	
		48. State Railways Capital Expenditure not charged to revenue.	
		49. Irrigation Works: do. do.	

* Mainly Court-fees and fines.
† These heads include certain statutory charges, which will be excluded from debate.
‡ This head deals purely with interest, sinking funds and annuities.

B.—The Provincial Budgets.

Revenue.		Expenditure.	
Heads for debate.	*Heads excluded from debate.*	Heads for debate.	*Heads excluded from debate.*
I. Land Revenue.	*IV. Stamps.*	1. Refunds and Drawbacks.	*2. Assignments and Compensations.*
V. Excise.	*VI. Provincial Rates.*	3. Land Revenue.	*13. Interest on debt.*
IX. Forest.	*VIII. Assessed Taxes.*	6. Stamps.	*25. Political.*
X. Registration.	*XVI-A. Courts of Law.**	7. Excise.	*42. Major works: Interest on debt.*
XII. Interest.	*XXVI. State Railways.*	8. Provincial Rates.	*All Statutory Charges.*
XVI-B. Jails	*All purely Imperial revenue.†*	10. Assessed Taxes.	*All purely Imperial expenditure.§*
XVII. Police.		11. Forest.	
XVIII. Ports and Pilotage.		12. Registration.	
XIX Education		18. General Administration.‡	
XX. Medical.		19-A. Courts of Law.‡	
XXI. Scientific and other Minor Departments.		19-B. Jails.	
XXII. Receipts in aid of Superannuation, etc.		20. Police.	
XXIII. Stationery and Printing.		21. Ports and Pilotage.	
XXV. Miscellaneous.		22. Education.	
XXIX. Irrigation Major Works.		24. Medical.	
XXX. Minor Works and Navigation.		26. Scientific and other Minor Departments.	
XXXI. Civil Works.		29. Superannuation Allowances and Pensions.	
		30. Stationery and Printing.	
		32. Miscellaneous.	
		33. Famine Relief.	
		36. Reduction or Avoidance of Debt.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		44. Construction of Railways charged to Provincial revenues.	
		45. Civil Works.	

* Mainly Court-fees and fines.
† Purely Imperial heads of account are omitted from this list—*e.g.*, II, III, XI, XIII, XIV, etc.
‡ These heads include certain statutory charges, which will be excluded from debate.
§ Purely Imperial heads of account are omitted from this list—*e.g.*, 4, 5, 9, 15, etc.

SCHEDULE III.

Amendments required in the Indian Councils Act, 1892.

1. In section 1, sub-section (1), the substitution for the words "ten" and "sixteen" of the words "forty" and "fifty-four," and for the words "eight" and "twenty" of the words "twenty" and "forty-three."

2. In the same section the substitution of the following for sub-section (2):

"(2) It shall be lawful for the Governor General in Council, by proclamation, from time to time to increase the number of the Councillors whom the Lieutenant-Governors of the Provinces named below may nominate for their assistance in making laws and regulations:

Provided always that not more than the numbers specified below shall be nominated in the case of each Province:

(i) for the Bengal Division of the Presidency of Fort William ...	forty-six.
(ii) for the United Provinces of Agra and Oudh	forty-six.
(iii) for Eastern Bengal and Assam	thirty-six.
(iv) for the Punjab	twenty-four.
(v) for Burma	sixteen."

3. In section 2, paragraphs one and two, the insertion after the words "the discussion," in each place in which they occur, of the words "of any matter of general public interest and".

4. In the same section the substitution for paragraph three of the following paragraph:

"Any such rules as aforesaid may provide also for the appointment of any member of any such Council to preside at any such discussion in the place of the Governor General, Governor or Lieutenant-Governor, as the case may be."

No. 2.

Despatch from the Secretary of State for India to the Governor General in Council, No. 193 (Public), dated the 27th November 1908.

1. I have to acknowledge the important Despatch of the 1st October 1908, in which I find submitted for approval and decision a group of constitutional reforms, framed by Your Excellency in Council in pursuance of a policy initiated more than two years ago. Your proposals, in their present shape, are the outcome of a tentative project placed in August last year in the hands of Local Governments in India, with instructions to consult important bodies and individuals representative of various classes of the community, before putting their own conclusions before the Government of India. Those instructions, as you are very evidently justified in assuring me, were carried out with great care and thoroughness. After examining, moreover, the enormous mass of material gathered together in a prolonged operation, I gladly recognise the admirable industry, patience, thought, and candour, with which that material has been sifted by your Government, and worked out into practical proposals, liberal in their spirit and comprehensive in their scope. I have taken all the pains demanded by their importance to secure special consideration of them in Council. It is a sincere satisfaction to me to find myself able to accept the substantial part of Your Excellency's scheme, with such modifications as would naturally occur to different minds, in handling problems of remarkable difficulty in themselves, and reasonably open to wide variety of solution.

2. The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating Ruling Chiefs and Territorial Magnates of British India, in guardianship of common and Imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable has proved adverse, and Your Excellency in Council now considers that the project should for the present not be proceeded with.

3. You still favour an Imperial Council composed only of Ruling Chiefs. Lord Lytton made an experiment in this direction, but it remained without successful result. Lord Curzon afterwards proposed to create a Council composed exclusively of Princes contributing Imperial Service troops, and deliberating on that subject exclusively. Opinion pronounced this also likely to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients, and wider than the second. I confess that, while entirely appreciating and sympathising with your object, I judge the practical difficulties in the way of such a Council assembling under satisfactory conditions, to be considerable,—expense, precedence, housing, for instance, even if there were no others. Yet if not definitely constituted with a view to assembly, it could possess little or no reality. It would obviously be a mistake to push the project, unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success, and the opinions expressed in the replies with which you have furnished me, lead me to doubt whether that condition can be secured. But in case your Excellency still favours this proposal, which is in itself attractive, I do not wish to express dissent at this stage, and if after consultation with the leading Chiefs you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial. And in any event the doubt I have expressed must not be taken as discouraging consultation with individual Chiefs, according to existing practice; for nobody with any part to play in Indian government, can doubt the manifold advantages of still further developing not only amicable, but confidential relations of this kind, with the loyal rulers in Indian States, possessed as they are of such peculiar authority and experience.

4. Next, I agree with Your Excellency in the judgment that the question of a Council of Notables for British India only should not be entertained. I am inclined furthermore, for my own part, to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value. The origin of the demand for bodies of that character, whatever the strength of such a demand amounts to, is undoubtedly the desire for greater facilities in discussion of public measures. Your Excellency indicates what strikes me as pointing in a more hopeful direction, in the proposition that this claim for increased facilities of discussion should be met "rather by extending the powers of the existing Legislative Councils than by "setting up large rival Councils which must to some extent conflict with them." Large or small, such rivalry would be almost certain to spring up, and, from the first, the new species of Council would be suspected as designed to be a check upon the old. As in the case of Ruling Chiefs, or of Notables in British India, so here too informal consultation with the leading men of a locality would have most, or all, of the advantages of an Advisory Council, without the many obvious disadvantages of duplicating political machinery.

5. From these proposals I pass to what is, and what you declare to be, the pith and substance of the despatch under reply. "The enlargement of the Legislative Councils," you say, "and the extension of their functions to the discussion of "administrative questions, are the widest, most deep-reaching, and most substantial "features of the scheme which we now put forward." This perfectly correct description evokes and justifies the close scrutiny to which these features have been subjected in my Council, and I am glad to believe that the result reveals few elements of material difference.

6. Your Government have now felt bound to deal first with the Imperial Legislative Council, and from that to work downwards to the Councils in provinces. I gather, however, from your despatch of the 21st March 1907, that you would at that time have preferred, as Lord Lansdowne had done in 1892, to build up the higher fabric on the foundation of the provincial Councils. In your circular letter of the 24th August 1907 you observed that "the most logical and convenient mode of "dealing with the question would have been first to discuss and settle the com-"position, the electorates, and the powers of the provincial Legislative Councils, and "then to build up, on the basis of these materials, a revised constitution for the "Imperial Council." In the absence of proposals from Local Governments and Administrations, you were precluded from adopting this course; and, therefore, you set tentatively before them the lines on which, first, the Legislative Council of the Governor-General, and thereafter those of Governors and Lieutenant-Governors, might be constituted.

7. In your present letter you have followed the same order. But with the full materials before me, such as are now supplied by local opinions, it appears to be both more convenient and, as you said, more logical, to begin with the Provincial Councils, and afterwards to consider the constitution of the Legislative Council of the Governor-General.

8. The first question that arises touches the principle of representation. This is fully discussed in paragraphs 18 to 20, 26 to 31, and 34 of your letter. Citing previous discussions of the subject, and referring to the precedent of the measures taken to give effect to the Statute of 1892, you adhere to the opinion that in the circumstances of India "representation by classes and interests is the only practicable "method of embodying the elective principle in the constitution of the Indian Legis-"lative Councils" (paragraph 18). You justly observe that "the principle to be "borne in mind is that election by the wishes of the people is the ultimate object to "be secured, whatever may be the actual machinery adopted for giving effect to it" (paragraph 29). You consider that for certain limited interests (the Corporations of Presidency towns, Universities, Chambers of Commerce, Planting Communities, and the like) limited electorates must exist as at present; and you foresee no serious obstacle in carrying out arrangements for that purpose. Difficulties come into view, when you go beyond these limited electorates, and have to deal with large and widespread interests or communities, such as the land-holding and professional classes; or with important minorities, such as Muhammadans in most provinces in India, and Sikhs in the Punjab. You dwell upon the great variety of conditions in the various

provinces of the Indian Empire, and the impossibility of applying any uniform system throughout ; and your conclusion generally appears to be that class electorates should be framed where this is practicable and likely to lead to good results, and in their failure or defect it will be necessary to have recourse to nomination.

9. With the general principles advanced by Your Excellency in this chapter of our discussion, I am in entire accord. I agree that, to some extent, class representation must be maintained in the limited electorates to which you refer; and here, as you point out, no serious obstacle is to be anticipated. I agree, also, that the Legislative Councils should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Muhammadans and the landed classes. But in examining your plans for obtaining their representation, I am struck with the difficulty of securing satisfactory electoral bodies under them, and, with the extent to which, as you expect, nomination will be demanded to supply the deficiencies of election. The same awkwardness and perplexity appear in obtaining satisfactory representation of the Indian commercial classes, where, as is found generally throughout India with very few exceptions, they have not established Associations or Chambers to represent their interests.

10. The case of landholders is discussed in paragraphs 27 to 29 of your letter, with immediate reference to the Imperial Legislative Council, and the situation is just the same—if separate representation is to be secured—for local Councils. You "find it impossible to make any definite proposal which would admit of general application" (para. 27); you see difficulties in devising a constituency that should consist only of landholders deriving a certain income from land (para. 28); and you point out with much force the objections to election by voluntary associations. In these observations I agree, and especially in your remark that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until some regular electorate can be formed.

11. The same difficulties, as you observe in paragraph 30, encounter the proposal to have a special electorate for Muhammadans. In some provinces, as in Bombay, the Muhammadans are so scattered, that common organisation for electoral purposes is thought impracticable. In other provinces it is proposed to found a scheme partly on a property qualification and partly on literary attainments. In others, again, it is suggested that recourse might be had to voluntary associations. One difficulty in regard to Muhammadans is not mentioned in your letter; for the provision in any province of a special electorate giving them a definite proportion of the seats on the Councils might involve the refusal to them in that province of a right to vote in the territorial electorates of which rural and municipal Boards will afford the basis. If that were not done, they would evidently have a double vote, and this would probably be resented by other classes of the population.

12. Without rejecting the various expedients suggested by Your Excellency for adoption, in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might be better secured, at any rate in the more advanced provinces in India, by a modification of the system of a popular electorate, founded upon the principle of electoral colleges. The use of this method is not in itself novel; it already exists in the groups of District Boards and of municipalities which, in several provinces, return members to the Provincial Councils. The election is not committed to the Boards or Municipalities directly; these bodies choose electors, who then proceed to elect the representative of the group. I will briefly describe the scheme that at present commends itself to me, and in order to make the method of working clear, I will assume hypothetical figures for a given province. Let it be supposed that the total population of the Province is 20 millions, of whom 15 millions are Hindus and 5 millions Muhammadans, and the number of members to be elected 12. Then, since the Hindus are to Muhammadans as three to one, nine Hindus should be elected to three Muhammadans. In order to obtain these members, divide the Province into three electoral areas, in each of which three Hindus and one Muhammadan are to be returned. Then, in each of these areas, constitute an electoral college, consisting of, let us say, a hundred members. In order to preserve the proportion between the two religions, 75 of these should be Hindus and 25 Muhammadans. This electoral college

should be obtained by calling upon the various electorates, which might be (*a*) substantial landowners paying not less than a fixed amount of land revenue; (*b*) the members of rural or sub-divisional Boards; (*c*) the members of District Boards; and (*d*) the members of municipal corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the College, and the 25 Musalmans who obtained the majority should similarly be declared elected. If the Musalmans returned did not provide 25 members for the Electoral College, the deficiency would be made good by nomination. Having thus obtained an Electoral College containing 75 Hindus and 25 Musalmans, that body would be called upon to elect three representatives for the Hindus and one for the Muhammadans; each member of the College would have only one vote, and could vote for only one candidate. In this way it is evident that it would be in the power of each section of the population to return a member in the proportion corresponding to its own proportion to the total population.

In the same way the desired proportion could be obtained of representatives of any particular interest, as, for instance, of landowners. All that is necessary would be to constitute the electoral college in such a way that the number of electors representing the land-owning interest should bear to the total number the same proportion as the members of Council representing that interest to be elected bear to the total number to be elected.

13. In this manner minorities would be protected against exclusion by majorities, and all large and important sections of the population would have the opportunity of returning members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, that, namely, of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

14. I do not wish definitely to prescribe such a scheme for adoption whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided, and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose. No doubt, it removes the primary voter by more than one stage from the ultimate choice; and it does not profess to be simple. I can only say that it is quite as simple as any scheme for representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors It would have several great advantages. It would bring the classes specially concerned within the popular electorate, and so meet the criticisms of the Hindus, to which you refer in paragraph 30; second, it establishes a principle that would be an answer to further claims for representation by special classes or associations; third, it would ensure the persons chosen being actually drawn from the locality that the electoral college represents; fourth, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

15. The due representation of the Indian mercantile community, on which you touch in paragraph 31 of your letter, might be included in the scheme, if the commercial classes fail to organise themselves, as you suggest that they may arrange to do, in associations similar to the European Chamber of Commerce.

16. To meet possible objections founded on the difficulty of bringing together electoral colleges to vote in one place, I may add that this is not contemplated in the scheme. You refer, at the close of paragraph 28, to the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India. The votes of the electors in each college could, I imagine, be collected in the same manner without requiring them to assemble at a common centre.

17. From the electoral structure, I now turn to the official element in the constitution of Provincial Legislative Councils, dealt with in paragraphs 33 to 56 of

your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances only the number of official members necessary for the transaction of business shall be summoned to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

18. We have before us, to begin with, the leading fact that in the important Province of Bombay there is in the Council, as at present composed, no official majority, and that the Bombay Government, even in the smaller of its alternative schemes presented to Your Excellency in Council, is willing to dispense with such a majority. Considering the character of the legislation ordinarily coming before a Provincial Council, is it not possible, with due representation given to the various classes and interests in the community, to do without a majority of officials? After careful consideration, I have come to the conclusion that in Provincial Councils such a majority may be dispensed with, provided that a substantial official majority is permanently maintained in the Imperial Legislative Council.

19. I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the executive Government. This should be met by the exercise of the power to withhold assent, possessed by the head of the Government. Then, although the Local Legislature is vested with power to make laws for the peace and good government of the territories constituting the province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the Local Legislature may not, without the previous sanction of the Governor-General, make or take into consideration any law—

affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force, and imposed by the authority of the Governor-General in Council for the general purposes of the government of India; or

regulating currency or postal or telegraph business; or

altering in any way the Indian Penal Code; or

affecting religion or religious rites or usages; or

affecting the discipline or maintenance of naval or military forces; or

dealing with patents or copyright, or the relations of the Government with foreign princes or States.

It is difficult to see how any measure of such urgency, that delay might work serious mischief, can come before a Provincial Council; for mere opposition to a useful and beneficial project would not come within this description. On the other hand, and perhaps more often, there may be opposition on the part of the non-official members to legislation that the Government desires. With a Council, however, representing divergent interests, and realising together with its increased powers, its greater responsibility, a combination of all the non-official members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official members against the Government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection, and should not be proceeded with.

20. Your Excellency will recall, since you came into the authority of Governor-General, an Act proposed by a Local Government which a representative Legislative Council would almost certainly have rejected. Your Excellency's action in with holding assent from the Act shows that, in your judgment, it would have been an advantage if the Local Government had been induced by a hostile vote to reconsider their Bill. If, in spite of such hostile vote the comparatively rare case should arise where immediate legislation were still thought absolutely necessary, then the Constitution as it at present stands provides an adequate remedy. The Governor-General in Council to-day possesses a concurrent power to legislate for any province, and though I strongly favour a policy that would leave to each Local Legislature the duty of providing for its own requirements, still I recognize in this power an ample safeguard, should under exceptional circumstances a real demand for its exercise arise.

21. This decision will make it necessary to modify to some extent the constitution of the several Provincial Councils proposed by you, and will enable you to secure a

wider representation. Subject to consideration of these details (which will not involve the postponement of the proposed parliamentary legislation for the amendment of the Indian Councils Act, 1892, and for other purposes), I am ready to accept generally the proposals for numbers and the constitution of the Councils set forth in your letter.

22. Your proposals in relation to the Imperial Legislative Council are necessarily entitled to the greatest weight. I am glad to find myself able to accept them practically in their entirety. While I desire to liberalize as far as possible the Provincial Councils, I recognise that it is an essential condition of this policy that the Imperial supremacy shall be in no degree compromised. I must therefore regard it as essential that Your Excellency's Council in its legislative, as well as its executive, character should continue to be so constituted, as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament. I see formidable drawbacks, that have certainly not escaped Your Excellency, to the expedient which you propose, and I cannot regard with favour the power of calling into play an official majority, while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen, to vote down something upon which they may or may not have heard the arguments, will prove satisfactory. To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense an overwhelming majority, and this Your Excellency does not seek; but it must be substantial, as it is certainly desirable that the Governor-General should be removed from the conflict of the division list, and that the fate of any measure or resolution should not rest on his vote alone.

23. I have already dealt in the earlier paragraphs of this Despatch with the elective principle, and it will be for Your Excellency to consider how far the popular electorate can be utilized for the return to your Legislative Council of landholders and Muhammadans. Some modification of the scheme suggested for the Provinces will, no doubt, be necessary, and the electoral colleges would probably have to be on the basis of Province and not of Division, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a Local Legislature is provided.

24. I accept your proposals for securing the representation of Commerce both European and Indian.

25. I also agree to your proposals as to nomination, but it will be a matter for your consideration whether, to meet the requirement of a substantial official majority, the number of nominated officials should not be raised.

26. Your plan for securing occasional representation for the interest of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, meets with my entire approval, and I am in complete sympathy with your intention sometimes to appoint one or two experts in connection with legislation pending before Council.

27. I turn to the proposals contained in paragraphs 57–59 of your despatch, affording further facilities for debate. This subject, as Your Excellency remarks, was not dealt with in the earlier correspondence out of which your present proposals arise; but I am entirely in accord with Your Excellency's Government in regarding it as of cardinal importance.

28. The existing law, which confines discussion, except on the occasion of the annual financial statement, to legislative proposals actually before the Council, imposes a restriction, that I am convinced is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction, and, in sanctioning it generally, I am confident that these increased facilities judiciously used will be pronounced of the greatest advantage, not only by Councils and those whom they represent, but also by Government, who will gain additional opportunities both of becoming acquainted with the drift of public opinion, and of explaining their own actions.

29. Taking the proposals in detail, I agree that resolutions to be moved should take the form of recommendations to Government, having only such force and effect as Government after consideration shall deem due to them. The introduction and discussion of resolutions should not extend to subjects removed from the cognisance of the Legislative Councils by Statute, and must obviously be subject to rules and restrictions. These, as Your Excellency observes, may best be laid down in the first place when the rules of business are drawn up, and developed thereafter as experience may show to be desirable. Meanwhile, I agree generally with the conditions suggested in paragraph 59 of your Despatch. I must, however, remark upon the first of the suggested conditions, that isolated incidents of administration, or personal questions, may be, and often are, at the same time matters of public and general importance. It would in my opinion be sufficient to lay down that resolutions must relate to matters of public and general importance, inasmuch as the President of the Council will have the power of deciding finally whether any proposed resolution does or does not satisfy this condition.

30. In respect of rules on the asking of questions, I have come to the conclusion that, subject to such restrictions as may be found requisite in practice, and to the existing general powers of the President, the asking of supplementary questions should be allowed. Without these, a system of formal questions met by formal replies must inevitably tend to become unreal and ineffective, and, in an assembly in which, under proper safeguards, free discussion and debate is permitted and encouraged, there can be no sufficient reason for prohibiting that method of eliciting information and expressing indirectly the opinions and wishes of the questioners.

31. Special importance attaches to rules as to the discussion of the Imperial Budget, and I recognise with much satisfaction the liberality of the proposals that you have placed before me. The changes under this head constitute a notable step, in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year. I approve the dates suggested for the promulgation of the financial statement, and for the beginning and ending of its discussion in Committee; and I anticipate valuable results from the knowledge which your Government will acquire, in these debates, of the views of those whom the proposed measures will chiefly and directly affect; and which it will be able to utilise in shaping its final financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 64, for the regulation of discussions in Committee, and of the moving of resolutions; and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of resolutions, do not thereby forego any part of the power and responsibility which has been, and must continue to be, in their hands.

32. Your proposals for the discussion of the Provincial Budgets seem entirely sound. As in the case of the Imperial Budget, so with respect to the Provincial finances, I observe with satisfaction that provision is made for full and free discussion, and for the consideration by Government of the results of such discussion before the final proposals for the year are framed; and I believe that, under the system suggested by you, the Local Governments will retain that ultimate control over the financial policy of their Provinces, without which not only the authority of the Government of India, but also that of the Secretary of State in Council and of Parliament, would inevitably disappear.

33. Your Excellency claims for your scheme as a whole, "that it will really "and effectively associate the people of India in the work, not only of occasional "legislation, but of actual everyday administration." The claim is abundantly justified; yet the scheme is not, and hardly pretends to be, a complete representation of the entire body of changes and improvements in the existing system, that are evidently present to the minds of some of those whom your Government has consulted, and that, to the best of my judgment, are now demanded by the situation described in the opening words of the Despatch. It is evidently desirable, Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advance in the direction of local self-government. The principles that should inspire and regulate measures with this aim, can hardly be laid down in sounder or clearer terms than in the Resolution

published by the Government of India on the 18th May 1882. I do not know where to look for a better expression of the views that should govern our policy under this important head, and I will venture to quote some passages in this memorable deliverance. Explaining the proposal for local self-government of that date, the Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improvement in administration "that this measure is put forward and supported. It is chiefly desirable as an "instrument of political and popular education." And again, "there appears to be "great force in the argument that, so long as the chief executive officers are, as "a matter of course, Chairmen of the Municipal and District Committees, there is "little chance of these committees affording any effective training to their members "in the management of local affairs, or of the non-official members taking any "real interest in local business. The non-official members must be led to feel that "real power is placed in their hands, and that they have real responsibilities to "discharge." This anticipation has been to some extent warranted by experience. Funds have not existed for an efficient executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take real interest in local business, because their powers and their responsibilities were not real. If local self-government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be "the true principle," that "the control should be exercised from "without rather than from within, the Government should revise and check the "acts of local bodies, but not dictate them." I make no doubt that the Government of India to-day will affirm, and actively shape their policy upon, the principle authoritatively set forth by their predecessors in 1882 :—

> "It would be hopeless to expect any real development of self-government if the local bodies were subject to check and interference in matters of detail; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

Your Excellency will recall that the Resolution from which I have quoted, treats the Sub-division, Taluqa, or the Tahsil, as the smallest administrative unit. It is a question whether it would not be wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life.

34. The encouragement of local self-government being an object of this high importance in the better organisation of our Indian system, it remains to be considered how far in each province it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them, and correcting abuses, in a form analogous to the operations of the Local Government Board in this country. That, however, is a detail, though a weighty one, in a question on which, as a whole, I confidently expect that Your Excellency will find much light in the forthcoming report of the Royal Commission on Decentralisation.

35. In the closing page of your letter, Your Excellency raises a question of a high order of importance. You recognise, as you inform me, that "the effect of our "proposals will be to throw a greater burden on the heads of local governments, "not only by reason of the actual increase of work caused by the long sittings of "the Legislative Councils, but also because there will be considerable responsibility "in dealing with the recommendations of those Councils." You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governors in the large provinces by the creation of Executive Councils, and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

36. I have to observe, with respect to Bombay and Madras, that the original scheme under the Act of 1833 provided for the appointment of three members to each of the Executive Councils in those Presidencies. It seems conformable to the policy of this

Despatch to take power to raise to four the number of members of each of these Executive Councils, of whom one at least should be an Indian. I would not, however, propose to make this a provision of a statute, but would leave it to practice and usage growing into confirmed rule.

37. As to the creation of Executive Councils in the larger provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion, and more especially by the second of them. All will depend, for the wise and efficient despatch of public business, upon right relations between the supreme head of executive power in the province and the Legislative Council. The question is whether these relations will be the more likely to adjust themselves effectively, if the judgment of the Lieutenant-Governor is fortified and enlarged by two or more competent advisers, with an official and responsible share in his deliberations.

38. Your Excellency anticipates longer sittings of the Legislative Council, with increased activity of discussion, and the effectual representation of provincial opinion and feeling, as a guide to executive authority, is the central object of the policy of Your Excellency's despatch. The aim of that policy is two-fold ; at once to enable Government the better to realise the wants, interests, and sentiment of the governed, and, on the other hand, to give the governed a better chance of understanding, as occasion arises, the case for the Government, against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully appreciates, is the foundation of the whole system in India, and all over the world, of administration and legislation either through, or subject to, the criticism of deliberative bodies whether great or small.

39. The suggestion for the establishment of Executive Councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution, is, in truth, surprisingly uncommon in the history of British rule in India, and of the political or administrative controversies connected with it. Indeed, without for an instant undervaluing the supreme necessity for caution and circumspection at every step and motion in Indian Government, it may be open to some question whether in some of these controversies before now, even an erroneous conclusion would not have been better than no conclusion at all. The issue we are now considering was much discussed in obedience to the orders of the Secretary of State in 1868, by men of the highest authority on Indian questions, and I do not conceive that after all the consideration given to the subject then and since, further consultations could be expected to bring any new arguments of weight and substance into view.

40. It has sometimes been argued that the creation of Executive Councils in the major provinces would necessarily carry with it, as in Bombay and Madras, the appointment in each case of a Governor from home. This would indeed be a "large departure from the present system of administration," almost amounting to the confusion and overthrow of that system, reposing as it does upon the presence at the head of the highest administrative posts, of officers trained and experienced in the complex requirements and diversified duties of Indian government. I take for granted, therefore, that the head of the Province will be, as now, a member of the Indian Civil Service appointed in such mode as the law prescribes.

41. I propose, therefore, to ask for power to create Executive Councils from time to time as may be found expedient. In this connection we cannot ignore the necessity of securing that a constitutional change, designed both to strengthen the authority and to lighten the labours of the head of the Province, shall not impair the prompt exercise of executive power. It will, therefore, be necessary to consider most carefully what degree of authority over the members of his Council in case of dissent, should be vested in the head of a Province in which an Executive Council may be called into being. It was recognised by Parliament more than a century ago that the Governors of Madras and Bombay should be vested with a discretionary power of over-ruling these Councils "in cases of high importance, and essentially affecting the public "interest and welfare." A power no less than this will obviously be required in the provinces in which a Council may come to be associated with the head of the executive, and I shall be glad if you will favour me with your views upon its definition. Your Excellency will readily understand that the use of such a power, while not to be

evaded in the special cases for which it is designed, is not intended for part of the ordinary mechanism of Government. Rather, in the language of the historical despatch of 1834, it is my belief that, "in a punctual, constant, and even fastidious "adherence to your ordinary rules of practice, you will find the best security, not only "for the efficiency, but also for the dispatch of your legislative proceedings."

I have, &c.,
(Signed) MORLEY OF BLACKBURN.

EAST INDIA (ADVISORY AND LEGISLATIVE COUNCILS, &c.).

VOL. II.—PART I.

REPLIES OF THE LOCAL GOVERNMENTS, &c.

ENCLOSURES I. TO XX.

To Letter from the Government of India, No. 21, dated 1st October, 1908.

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE
By DARLING & SON, Ltd., 34-40, Bacon Street, E.

And to be purchased, either directly or through any Bookseller, from
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1908.

[Cd. 4435.] *Price* 6*s.* 1*d.*

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LIST OF ENCLOSURES.

I. Home Department letters to local Governments, nos. 2310-2317, dated the 24th August 1907 and nos. 210-217, dated the 21st January 1908, and enclosure.

II. Memorandum from the Government of Madras, no. 3466, Public, dated 22nd October 1907, to the Board of Revenue, and Order no. 886, Public, dated 22nd November 1907, and annexure.

III. Resolution by the Government of Bombay, no. 6633, dated 31st October 1907.

IV. Endorsements by the Government of Bengal, nos. 1898-1909 A. D., dated 14th September 1907, and letters nos. 1976-85, A. D., dated 18th September 1907, to Commissioners of Divisions, non-official gentlemen of position, and several associations.

V. Letters from the Government of the United Provinces, nos. $\frac{1514}{\text{III-416}}$ to $\frac{1520}{\text{III-416}}$, dated 7th October 1907, and nos. $\frac{1560}{\text{III-416}}$ and $\frac{1571}{\text{III-416}}$, dated respectively the 10th and 12th October 1907, to several associations, members of the Provincial Legislative Council and other officials and non-officials.

VI. Letter from the Government of the Punjab, no. 2643-S. (Home—Leg.), dated 27th September 1907, to Commissioners of Divisions, and enclosure.

VII. Letter from the Government of Burma, no. 429-IL-18, dated 16th October 1907, to several associations, Commissioners of Divisions and other officials and non-officials.

VIII. Resolution by the Government of Eastern Bengal and Assam, no. 10219-C., dated 10th September 1907, and letters from that Government, nos. 11487-91-C., and nos. 11492-C. to 11542-C., dated respectively the 9th and 10th October 1907, to Commissioners of Divisions, associations, district boards, municipalities and some official and non-official gentlemen.

IX. Letters from the Hon'ble the Chief Commissioner, Central Provinces, nos. 1928-I—15-24 and 1929-I—15-24, dated 13th September 1907, to non-official bodies and Commissioners of Divisions.

X. Letter from the Government of Madras, no. 222-Public, dated the 13th March 1908, and enclosures, namely:—

1. Sir V. Bhashyam Aiyangar, Kt., C.I.E., Diwan Bahadur, late Officiating Advocate-General, and retired Judge of the High Court of Judicature, Madras.

2. M. R. Ry. Diwan Bahadur P. Rajarathna Mudaliyar Avargal, C.I.E., retired Inspector-General of Registration.

3. The Madras Landholders' Association.

4. The Madras Chamber of Commerce.

5. The Corporation of Madras.

6. The South Indian Landholders and Trades Association, Madura.

7. The Anglo-Indian Association of Southern India.

8. The Maharaja of Bobbilia.

9. The Raja of Venkatagiri.

10. The Hon'ble Raja Vasudevaraja Valianambidi of Kollengode, Malabar.

11. The Hon'ble Nawab Muhammad Raza Khan, Khan Bahadur, retired Collector, and present Member, Legislative Council.

12. The Hon'ble Mr. M. Krishnan Nayar, High Court Vakil, Member, Legislative Council.

13. The Hon'ble Mr. V. Krishnaswami Aiyar, High Court Vakil, Member, Legislative Council.

14. M. R. Ry. Diwan Bahadur L. A. Govindaraghava Aiyar Avargal, High Court Vakil, ex-Member, Legislative Council.

15. The Hon'ble Mr. C. K. Srinivasa Rao Avargal, High Court Vakil, Member, Legislative Council.

16. M. R. Ry. C. Vijiaraghava Chariar Avargal, ex-Member, Legislative Council.

17. R. C. Dutt, Esq., C.I.E., I.C.S., retired.

18. M. R. Ry. Diwan Bahadur Raghoonatha Rao Avargal, retired Deputy Collector in the Madras Presidency, ex-Minister of Indore.

19. M. R. Ry. Diwan Bahadur A. Venkatramana Poi Avargal, retired District Judge.

20. The Board of Revenue, Madras.

21. The Hon'ble Mr. J. Twigg, I.C.S., Member, Board of Revenue.

22. The Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., Director of Public Instruction.

23. The Hon'ble Mr. J. N. Atkinson, C.S.I., I.C.S., Acting Chief Secretary to Government.

24. The Hon'ble Mr. A. G. Cardew, I.C.S., Secretary to Government, Revenue Department.

25. M. R. Ry. Diwan Bahadur N. Subramanyam, Administrator-General of Madras.

26. H. F. W Gillman, Esq., I.C.S., Collector of Madura.

    (1) The Madura District People's Association.

    (2) R. Fischer, Esq., Proprietor, Madura.

    (3) The Rev. J. P. Jones, American Mission, Madura.

    (4) Maulvi Saiyed Abdul Khadar Ibrahim Sahib, Town Khaji, Madura.

27. L. E. Buckley, Esq., I.C.S., Collector of the Nilgiris.

28. J. G. D. Partridge, Esq., I.C.S., Collector of Ganjám.

    (1) Zamindar of Vijayanagram.

    (2) Zamindar of Serugada.

    (3) Raja of Kallekote and Attagada Estates.

    (4) Zamindar of Dharakota.

    (5) Zamindar of Bodogodo.

    (6) Zamindar of Surangai.

    (7) Parlákimedi Municipality.

    (8) M. R. Ry. J. Ramayya Pantulu Garu, Deputy Collector, Goomsur Division.

    (9) M. R. Ry. T. Venkatakrishnayya, High Court Vakil.

29. A. Butterworth, Esq., I.C.S., Collector of Trichinopoly.

    (1) M. R. Ry. A. Vadachalam Aiyar Avargal, Deputy Collector, Musiri.

(2) M. R. Ry. T. Dasikachariar Avargal.

30. M. Aziz-ud-din, Khan Sahib, Khan Bahadur, Collector of South Canara.

(1) M. R. Ry. Diwan Bahadur A. Pinto Avargal, retired Deputy Collector.

(2) M. R. Ry. D. Anantayya Avargal, retired Deputy Collector.

(3) M. R. Ry. N. C. Krishna Bhat Avargal, Vakil.

(4) Muhammad S'Chamnad Sahib, Landholder, Kasaragode.

31. R. H. Shipley, Esq., I.C.S., Collector of Coimbatore.

32. R. A. Graham, Esq., I.C.S., Collector of Bellary.

33. S. P. Rice, Esq., I C.S., Acting Collector of North Arcot.

(1) Raja of Kálahasti.

(2) Ajitaraph Kambinayani Javvaji Subbaraju Nayudu, Zamindar of Kangundi.

34. L. M. Wynch, Esq., I.C.S., Collector of Tinnevelly, and enclosure.

35. W. Francis, Esq., I.C.S., Collector of Malabar, and enclosure.

36. J. P. Bedford, Esq., I.C.S., Acting Collector of Tanjore.

(1) G. H. B. Jackson, Esq., I.C.S., Acting Sub-Collector, Kumbakónam.

(2) M. R. Ry. Rao Sahib T. Raghavayya Pantulu Garu, Personal Assistant, Deputy Collector, Tanjore.

(3) M. R. Ry. R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad.

(4) M. R. Ry. V. A. Vandyar Avargal, Pundi.

(5) M. R. Ry. N. Krishnaswami Aiyangar Avargal, High Court Vakil, Kumbakónam.

(6) M. R. Ry. K. Chidambaranatha Mudaliyar Avargal, Shiyali.

(7) M. R. Ry. A. M. Periyaswami Muthia Udayar, Perumpanniyur, Nannilam Taluk.

37. J. A. Cumming, Esq., I.C.S., Collector of Gódávari.

(1) Raja of Pithápuram.

(2) Zamindar of Kottam.

(3) M. R. Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman, Coconada Municipality.

(4) M. R. Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder, Rajahmundry.

(5) M. R. Ry. G. Lakshmanna Garu, High Court Vakil and Member, District Board, Gódávari.

(6) M. R. Ry. V. Ramachandra Rao Avargal, Treasury Deputy Collector.

38. F. C. Parsons, Esq., I. C. S., Acting Collector, Vizagapatam.

(1) M. R. Ry. Diwan Bahadur V. Ananta Rao Pantulu Garu, Audit officer, Vizianagram estate.

(2) M. R. Ry. K. Ramanuja Chariar, M.A., B.L., Principal, Maharaja's College, Vizianagram

(3) M. R. Ry. Akella Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam.

39. Memorandum on the scheme of Advisory and Legislative Councils.

XI. Letter from the Government of Madras, no. 617-L., dated 27th April 1908.

XII. Letter from the Government of Madras, no. 357, dated 28th April 1908, and enclosures.

XIII. Letter from the Government of Madras, no. 418-Public, dated the 18th May 1908, and enclosures, namely :—

1. The Hon'ble M. R. Ry. Diwan Bahadur R. V. Srinivasiar, C.I.E., Inspector-General of Registration.

2. The Hon'ble Raja Vairicharla Virabhadra Razu Bahadur Garu, Zamindar of Kurupam.

3. Gulam Muhammad Ali Sahib Bahadur, Prince of Arcot.

4. The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, Member of the Viceregal Legislative Council.

5. Khan Bahadur Ghulam Muhammad Sahib Bahadur.

6. M. R. Ry. Diwan Bahadur C. Ramachandra Rao Sahib Avargal, High Court Vakil, Madras.

7. The Hon'ble K. R. Guruswami Aiyar, High Court Vakil and Member, Legislative Council, Madras.

8. The Hon'ble B. Narasimheswara Sarma Garu, Member, Legislative Council, Madras.

9. M. R. Ry. K. Venkata Rao, Pleader, Bellary.

10. M. R. Ry. K. P. Raman Menon, High Court Vakil, Calicut.

11. M. R. Ry. J. T. Srinivasagam Pillay, Chairman, Tinnevelly District Association.

12. The President, Non-caste Dravidian Mahajana Sabha, Madras.

13. E. Scott, Esq., I.C.S., Collector of Anantapur.

    (1) M. R. Ry. K. V. Srinivasa Aiyangar, Treasury Deputy Collector, Anantapur.

    (2) Muhammad Bazlullah Sahib Bahadur, Head-quarter, Deputy Collector, Ananatapur.

    (3) The Rev. W. H. Campbell, London Mission.

    (4) M. R. Ry. P. Adimurti Rao Garu, Chairman, Municipal Council, Anantapur.

    (5) M. R. Ry. Hatti Siva Rao, Pleader, Anantapur.

    (6) M. R. Ry. P. Kesava Pillai, Pleader, Gooty.

    (7) M. R. Ry. T. Sivasankaram, Pleader, Penukonda.

14. Cuddapah District—

    (1) M. R. Ry. N. Narsinga Rao Garu.

    (2) M. R. Ry. T. M. Narasimha Charlu, Vakil, District Court, Cuddapah.

    (3) The Rev. G. H. Macfarlane.

    (4) M. R. Ry. N. Venkatramana Rao Garu and M. R. Ry. R. Venkataswami Nayudu Garu, Pleaders and Landholders, Madanapalle.

    (5) M. R. Ry. T. Vasudeva Rao Garu, Tahsildar of Vayalpad.

    (6) M. R. Ry. H. Seshagiri Rao Garu, Acting Tahsildar of Jammalamadugu.

    (7) M. S. A. M. Munjun Miah.

    (8) The District Forest Officer, Cuddapah.

    (9) M. R. Ry. V. Ramaswami Aiyar, Treasury Deputy Collector, Cuddapah.

    (10) M. R. Ry. P. Doraiswami Mudaliyar Avargal, Pleader, Jammalamadugu.

    (11) M. R. Ry. T. Vijayaraghavachariar, Deputy Collector, Jammalamadugu.

    (12) M. R. Ry. T. Narayana Reddi Garu, Acting Deputy Collector, Cuddapah.

15. Khan Bahadur Muhammad Khadir Navaz Khan Sahib Bahadur, Collector of Kurnool.

16. Nellore District—

    (1) M. R. Ry. V. Parthasarathi Chetty Garu, Head-quarters, Deputy Collector, Nellore.

(2) J. G. Burn, Esq., Acting Sub-Collector, Gudur division.

(3) The Rev. D. Downie, American Baptist Mission, Nellore.

(4) M. R. Ry. B. Pattabhi Rama Reddi Garu, Buchireddipallem, Nellore taluk.

(5) Muhammad Husain Sahib Bahadur, Registrar of Nellore.

(6) Maulvi Muhammad Assaudin Ahmed Sahib, Kazi of Nellore.

(7) M. R. Ry. T. V. Venkatrama Aiyar, High Court Vakil and Chairman, Municipal Council, Nellore.

17. P. A. Booty, Esq., I.C.S., Collector of Chingleput.

(1) The Rev. A. Andrew, United Free Church of Scotland Mission, Chingleput.

(2) M. R. Ry. P. Ramanuja Chariya Avargal, Chairman, Municipal Council, Chingleput.

(3) C. Gahan, Esq., Treasury Deputy Collector, Saidapet.

(4) M. R. Ry. M. V. Narayanaswami Pillai, Deputy Collector, Tiruvallur.

(5) M. R. Ry. Rao Bahadur K. Jagannadham Chetti Garu, Chairman, Municipal Council, Conjeeveram.

(6) M. R. Ry. D. B. Venkatasubba Rao Avargal, Tahsildar of Madurántakam and Zamindar of Chinnakandali, Salem district.

(7) M. R. Ry. R. S. Visuvasam, Headmaster, United Free Church Mission High School, Conjeeveram.

(8) The Rev. C. H. Monahan, Superintendent, Wesleyan Mission, Tiruvallúr.

18. Salem District—

(1) M. R. Ry. J. S. Sivagnanam, Deputy Collector, Námmakal.

(2) M. R. Ry. M. Doraiswami Reddiyar Avargal, Zamindar of Námakkal Estate, Member, Taluk Board, Nàmakkal.

(3) M. R. Ry. A. Lakshmayya Raju.

(4) „ M. R. Sambiah Pant, Zamindar of Jagadevi.

(5) „ V. Nilakanta Mudaliyar, Contractor, Hosúr.

(6) „ U. Venkata Rao, Pleader, Krishnagiri.

(7) „ K. Seshagiri Rao, Mittadar of Kambainallur.

(8) Rev. A. Moses, Minister, Tiruppattúr.

(9) M. R. Ry. T. Adinarayana Chettiar.

XIV. Letter from the Government of Madras, no. 428, dated the 22nd May 1908.

XV. Letter from the Government of Madras, no. 605, dated the 28th July 1908.

XVI. Letter from the Government of Madras, no. 681, dated the 22nd August 1908.

XVII. Letter from the Government of Bombay, no. 1768, dated the 26th March 1908, and enclosures, namely:—

1. Bombay Millowners' Association.

2. Mr. B. S. Shroff, L. M. & S., Bombay.

3. Mr. Channamallappa Tenginkai, President, Lingayat Public Meeting, Dhárwár.

4. Maharaj Kumar Kristo Dass Law of Calcutta.

5. Bombay Presidency National Muhammadan Association.

6. Mr. Gulam Mahomed Munshi (Rajkot).

7. Honourable Mr. Vithaldas Damodher Thakersey.

8. Chamber of Commerce, Bombay.

9. Mr. Vaman Narayen Joglekar, Pleader of Bhusawal.

10. Mr. R. P. Lambert, District Superintendent of Police, East Khándesh.

11. Certain inhabitants of Ahmednagar.

12. Anjuman-i-Islam, Bombay.

13. Certain Lingayats of Hubli.

14. Certain Lingayats of Dhárwár.

15. Mr. Kazi Kabiruddin, Barrister-at-Law.

16. Mr. Janardhan Virbhadra Pathakji, Jaghirdar of Motavarachha, Surat.

17. Gujarat Sabha, Ahmedabad.

18. City Municipality of Ahmednagar.

19. Honourable Mr. Gokuldas Kahandas Parekh, B.A., LL. B.

20. Indian Merchants' Chamber and Bureau.

21. Bombay Presidency Trades Association.

22. Mr. Bomanji Ardeshir Dalal, Panch Mahals.

23. Mr. Ram Mohunroy Jaswantrai Desai, Inamdar of Vintoj Hálol, Panch Máhals District.

24. Joint Report of the Commissioners of Divisions.

(1) Note of Dissent by the Commissioner, N. D. (Mr. Atkins).

(2) Note of Dissent by the Commissioner, C. D. (Mr. Doderet).

(3) Note of Dissent by the Commissioner, S. D. (Mr. Barrow).

25. Chamber of Commerce, Karáchi.

26. Jain Young Men's Association, Jaipur,

27. Rao Bahadur Motilal Chunilal, President, Broach City Municipality.

28. Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karáchi.

29. His Highness Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.

30. Commissioner in Sind.

31. Bombay Presidency Association.

32. Bombay Municipal Corporation.

33. Honourable Mr. Ibrahim Rahimtoola, C.I.E.

XVIII. Letter from the Government of Bengal, no. 1746-A, dated the 29th February 1908, and enclosures, namely :—

1. The Hon'ble Maharaja Dhiraj Bahadur of Burdwan.

2. The Hon'ble Nawab Bahadur of Murshidabad.

3. The late Maharaja Sir Jotindra Mohun Tagore Bahadur, K.C.S.I.

4. His Highness the Maharaja Bahadur of Cooch Behar.

5. The Hon'ble Maharaja Bahadur of Darbhanga.

6. The Anglo-Indian Association.

7. Maharaja Sriram Chandra Bhanj Deo of Moharbhanj.

8. Nawab A. F. M. Abdur Rahman.

9. Central National Muhammadan Association.

10. Raja Peary Mohan Mukherji, C.S.I.

11. Bihar Landholders' Association.

12. Bihar Planters' Association.

13. Bengal National Chamber of Commerce.

14. Bhagalpur Landholders' Association.

15. Orissa Association.

16. British Indian Association.

17. Indian Tea Association.

18. Bengal Chamber of Commerce.

XIX. Letter from the Government of Bengal, no. 3977-A, dated the 24th July 1908, and enclosure, namely :—

Letter from the Secretary to the Calcutta Trades Association, dated the 30th June 1908.

XX. Letter from the Government of the United Provinces, no. 447, dated the 16th March 1908, and enclosures, namely :—

1. Draft rules for the discussion of the Financial Statement.

2. Draft Regulations.

3. British Indian Association, Oudh.

4. Landholders' Association for the Province of Agra.

5. Allahabad University.

6. Upper India Chamber of Commerce.

7. Trustees, Muhammadan Anglo-Oriental College, Aligarh.

8. His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G.C.I.E., of Benares.

9. The Hon'ble Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad.

10. The Hon'ble Nawab Mumtaz-ud-Daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu.

11. The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Kila Partabgarh.

12. The Hon'ble Rai Sri Ram Bahadur, C.I.E., Lucknow.

13. The Hon'ble Rai Nihal Chand Bahadur, Landowner, Muzaffarnagar.

14. The Hon'ble Rai Sundar Lal Bahadur, C.I.E., Allahabad.

15. The Hon'ble Munshi Madho Lal, Member, Imperial Legislative Council.

16. Raja Rampal Singh, C.I.E., of Kori Sudauli, Rae Bareli.

17. The Hon'ble Mr. A. W. Cruickshank, C.S.I., Senior Member, Board of Revenue, United Provinces.

18. H. C. A. Conybeare, Esq., I.C.S., Commissioner of Meerut.

19. A. L. Saunders, Esq., I.C.S., Commissioner of Lucknow.

20. W. R. Partridge, Esq., I.C.S., Commissioner of Gorakhpur.

21. H. V. Lovett, Esq., I.C.S., Commissioner of Benares.

22. E. A. Molony, Esq., I.C.S., Collector of Gorakhpur.

23. The Hon'ble Mr. B. Lindsay, I.C.S., Secretary to the Legislative Council and Legal Remembrancer to Government, United Provinces.

24. C. E. Crawford, Esq., I.C.S., Collector of Azamgarh.

25. H. T. Morgan, Esq., I.C.S., Collector of Basti.

26. Abdullah *ibn* Khan Bahadur Yusuf Ali, Esq., Assistant Commissioner, Sultanpur.

XXI. Letter from the Government of the Punjab, no. 40 (Home-Legis.), dated the 6th July 1908, and enclosures, namely :—

1. Appendices A—C.

1(*a*). Letter no. 2643-S., dated the 27th September 1907.

2. The Hon'ble Sir W. O. Clark, Chief Judge, Chief Court, Punjab.

3. The Hon'ble Mr. Justice P. C. Chatterji, Judge, Chief Court, Punjab.

4. The Hon'ble Mr. Justice F. A. Robertson, Judge, Chief Court, Punjab.

5. Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division.

6. Major P. S. M. Burlton, Deputy Commissioner, Jullundur.

7. T. Miller, Esq., I.C.S., Deputy Commissioner, Kangra.

8. Lala Tek Chand, Deputy Commissioner, Ludhiana.

9. C. H. Atkins, Esq., Deputy Commissioner, Ferozepore.

10. Mr. Ahsan-ul-Haq., Barrister-at-Law, Jullundur City.

11. Pandit Devi Chand, Pleader, Jullundur City.

12. Pandit Amar Singh, Pleader, Jullundur City.

13. Diwan Shadi Ram, B.A. LL.B. (Cantab.), Barrister-at-Law, Ludhiana.

14. Rai Wazir Khan of Bhangala, Hoshiarpur district.

15. Mr. Bhagat Ram, Barrister-at-Law, Jullundur City.

16. Rana Lehna Singh of Manaswal, Hoshiarpur district.

17. Rai Bahadur Sham Das, Pleader, Hoshiarpur.

18. Anjuman Islamia, Ludhiana.

19. Tika Ram Narain Singh of Anandpur, Hoshiarpur district.

20. Bhai Arjan Singh, Honorary Magistrate of Bagharian, Ludhiana district.

21. Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class.

22. Chaudhri Sardar Khan, Extra Assistant Commissioner, Jhang.

23. Bahadur Chand and other Pleaders, Jhang.

24. Lieutenant-Colonel C. M. Dallas, I. A., Political Agent, Phulkian States and Bahawalpur.

25. Khalifa Syed Muhammad Hussain, Member, Council of Regency, Patiala State.

26. Rai Bahadur Ganga Ram, C.I.E., Patiala.

27. The Hon'ble Sirdar Ripudaman Singh, Tikka Sahib of Nabha.

28. M. Rahim Bakhsh, President, Council of Regency, Bahawalpur.

29. J. McC. Douie, Esq., C.S.I., Commissioner, Rawalpindi Division.

30. Major H. S. Fox-Strangways, I. A., Deputy Commissioner, Jhelum.

31. B. N. Bosworth Smith, Esq., Deputy Commissioner, Attock.

32. Diwan Narendra Nath, M. A., Deputy Commissioner, Gujrat.

33. A meeting of representative Muhammadans, Gujrat.

34. Gujrat Bar Association.

35. P. D. Agnew, Esq., I.C.S., Deputy Commissioner, Rawalpindi.

36. Baba Gurbuksh Singh, Bedi of Kallan.

37.
- C. Dhanjibhoy.
- Adamjee Mamoojee.
- Nathu Mull, Banker.
- Tansukh Rai Kedar Nath, Bankers.
- S. Lukmanji, Adamji and Co.

38. Abdul Ghafur Khan of Zaida, Divisional and Sessions Judge, Jhelum.

39. D. J. Boyd, Esq. (late Deputy Commissioner of Multan).

40. Anjuman-i-Islamia, Multan.

41. Babu Mahendro Nath Banerji, Pleader, Multan.

42. Arya Samajes, Multan.

43. Sri Guru Singh Sabha, Multan.

44. Sukhdeo Bakhsh Multan Chand, Bankers.

45. Makhdum Hassan Bakhsh, Kureshi, K.B.

46. R. B. Hari Chand, Vice-President, Municipal Committee.

47. Tahsildar of Shujabad, submitting opinions in vernacular of some leading zemindars.

48. Sheikh Abdul Haq, Pleader, Vice-President, Municipal Committee, Multan.

49. Sanatan Dharam Sabha, Multán.

50. Chandhri Narayan Singh and Sewa Ram, Zemindars of Shujabad.

51. Executive Committee of Zemindars, Shujabad.

52. G. F. deMontmorency, Esq., I.C.S., Deputy Commissioner, Lyallpur.

53. Lala Sewak Ram, Barrister-at-Law, Honorary Magistrate.

54. Lala Anant Ram, Honorary Magistrate, member of Arya Samaj.

55. Resaldar Chiragh Khan, Tiwana, Rais, Chenab Colony.

56. Kabir Khan Kharral, Honorary Magistrate, yeoman grantee, Chenab Colony.

57. Dilbagh Singh, Jat Sikh, Zaildar, Chenab Colony.

58. Shahzad Khan, Kharral of Kamalia, yeoman grantee, Chenab Colony.

59. Sardar Ishar Singh, Jat Sikh, yeoman grantee, Chenab Colony.

60. Saiyid Mehdi Shah, Honorary Magistrate, Rais, Chenab Colony.

61. Sir Thomas Gordon Walker, I.C.S. (lately officiating Lieutenant-Governor, Punjab).

62. The Anjuman Islamia, Hoshiarpur.

63. Major F. Popham Young, C.I.E., Settlement Commissioner, Patiala.

64. Muhammad Fazal Hussan, Government Pensioner and Rais.

65. H. H. the Raja of Nahan (Sirmur).

66. Major C. P. Egerton, I. A., Deputy Commissioner, Hoshiarpur.

67. H. H. the Raja of Chamba.

68. H. H. the Raja of Kapurthala.

69. H. H. the Raja of Jhind.

70. H. H. the Raja of Nabha.

71. The Hon'ble Mr. J. Wilson, C.S.I., Financial Commissioner, Punjab.

72. The Hon'ble Malik Umar Hayat Khan, C.I.E.

73. A. H. Diack, Esq., Settlement Commissioner, Punjab.

74. R. E. Younghusband, Esq., Commissioner, Lahore Division.

75. Captain C. H. Buck, Officiating Deputy Commissioner, Montgomery.

76. Lala Bishen Dass, Extra Assistant Commissioner, Revenue Assistant.

77. Lala Radha Kishen, Pleader and Vice-President, Municipal Committee, Montgomery.

78. Mohammed Amin Khan, Honorary Magistrate and Zamindar.

79. Kamir, Zaildar and Zamindar of Mehrpur.

80. Lieutenant-Colonel C. G. Parsons, I.A., Deputy Commissioner, Lahore.

81. Rai Sahib K. B. Thapar, Lahore.

82. E. W. Parker, Esq., Advocate, Lahore.

83. Mian Mohammed Shah Din, K.B., Barrister-at-Law, Lahore.

84. Bhai Gurdit Singh, Lahore.

85. Rai Sahib Tilok Chand, Sub-Divisional Officer, Kasur.

86. M. Abdul Aziz, Editor, " Observer, " Lahore.

87. Mian Mohamed Shafi, Barrister-at-Law, Lahore.

88. Lala Ram Saran Dass of R. B. Mela Ram and Sons, Lahore.

89. Lala Harkishen Lal, Barrister-at-Law, Lahore.

90. Lala Lal Chand, Pleader, Chief Court, Punjab, Lahore.

91. Nawab Fateh Ali Khan, C.I.E., Lahore.

92. The President, Anjuman Islamia, Punjab, Lahore.

93. Sir David Masson, C.I.E., Lahore.

94. R. S. Narayan Dass, Judge, Small Cause Court, Lahore.

95. Punjab Chamber of Commerce, Delhi.

96. Punjab Hindu Sabha, Lahore.

97. Rai Sahib Mohan Lal, Lahore.

98. Punjab Trades Association, Lahore.

99. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.

100. Lala Gopal Dass Bhandari, Pleader and Municipal Commissioner, Amritsar.

101. The Anjuman-i-Islamia, Amritsar.

102. The Chief Khalsa Diwan, Amritsar.

103. Sardar Jiwan Singh.

104. Sardar Sunder Singh.

105. Bhai Gurbaksh Singh.

106. Thakur Mahan Chand.

107. Sardar Sher Ahmad Khan, C.I.E.

108. Sardar Lachmi Sahai.

109. Sardar Arur Singh.

110. Sardar Bikram Singh.

111. Major C. Powney Thompson, I.A., Deputy Commissioner, Gurdaspur.

112. Sardar Narain Singh, Zaildar of Singhpura.

113. Anjuman Islamia, Batala, Gurdaspur and Sujanpur.

114. B. Gurdit Singh, B.A., LL.B., Pleader, Gurdaspur.

115. R. Sykes, Esq., C.S., Deputy Commissioner, Sialkot.

116. Lala Mul Chand, Public Prosecutor ,,

117. Mr. Ganda Singh, Uberoi ,,

118. Lala Gyan Chand, Honorary Magistrate ,,

119. Sirdar Shib Deo Singh, Honorary Magistrate.

120. Rai Arjan Dass, Extra Assistant Commissioner.

121. Sheikh Fazal Karim, Extra Assistant Commissioner.

122. Chaudhri Sultan Mohammad, Barrister-at-Law.

123. E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala.

124. B. Gulab Singh, Arora, Vice-President, Municipal Committee, Gujranwala.

125. Rahim Bakhsh, Revenue Assistant.

126. Karam Elahi, Honorary Magistrate, Ahmadnagar.

127. Chaudhri Hayat Muhammad, Zaildar and Honorary Magistrate, Wazirabad.

128. Khan Dauran Khan, Zaildar, Gujranwala.

129. Lala Nihal Chand, Barrister-at-Law.

130. The Hon'ble Sir Partab Singh of Kapurthala.

131. Major A. E. Barton, Deputy Commissioner, Rohtak.

132. H. E. A. Wakefield, Esq., Deputy Commissioner, Gurgaon.

133. B. T. Gibson, Esq, Settlement Officer, Gurgaon.

134. G. M. Boughey, Esq., Assistant Settlement Officer, Gurgaon.

135. Members of the Bar.

136. Revd. G. W. Hale, B.M. S., Palwal.

137. Lala Ramji Dass, Tahsildar, Nuh.

138. Pundit Badri Pershad, Tahsildar, Ferozepore, and others.

139. Lala Makhan Lal, Honorary Magistrate, Rewari.

140. Muhammad Saraj-ud-din Haider Khan, Jagirdar, Farukhnagar.

141. Municipal Committee, Sohna.

142. Lala Balmokand, Member, Municipal Committee, Sohna.

143. Municipal Committee, Farukhnagar.

144. Municipal Committee, Palwal.

145. Lala Kashi Nath, Tahsildar, Rewari.

146. A. Meredith, Esq., I.C.S. Commissioner, Delhi Division.

147. Captain A. C. Elliott, Deputy Commissioner, Hissar District.

148. Q. Q. Henriques, Esq., I.C.S., Deputy Commissioner, Karnal.

149. W. Malan, Esq., I.C.S., Deputy Commissioner, Simla.

150. Lala Jai Lal, Pleader, Simla.

151. Khan Sahib Fakhur-ud-dín.

152. Muhammad Pir Bukhsh, Barrister-at-Law.

153. Nur Muhammad Khan, Pleader, Simla.

154. Major R. M. Lowis, I.A., Deputy Commissioner, Ambala.

155. Amballa District Association.

156. Anjuman-i-Islam, Ambala.

157. S. Jiwan Singh, C.S.I., of Shazadpur.

158. S. B. Harnam Singh, Honorary Extra Assistant Commissioner, Kharar.

159. S. Miyan Anrudh Singh, Rais and Honorary Magistrate, Ramgarh.

160. Bawa Harbaksh Singh, Bedi of Rupar.

161. Lala Bishambar Dial.

162. Muhammad Mahmud Ali.

163. R. F. Mitra, Esq., Extra Assistant Commissioner.

164. R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

165. Anjuman Muayid-ul-Islam, Delhi.

166. R. B. Lala Sheo Pershad, Banker and Honorary Magistrate, Delhi.

167. R. B. Hardhian Singh.

168. Hakim Muhammed Ajmal Khan.

169. Mahomahopadhyaya Pundit Banke Rai, Nawal, Goswami, Delhi.

170. K. B. Ghulam Mohamed Hasan Khan, B.A., Honorary Magistrate, Delhi.

171. Hajee Abdul Ghanee, Delhi, representing the views of the Punjab community of Delhi.

172. R. B. Chaudhri Raghunath Singh.

173. Lala Ishri Pershad, Delhi.

174. Mr. Rajnarain, Barrister-at-Law.

175. Punjab Chamber of Commerce.

176. H. J. Maynard, Esq., I.C.S., Commissioner, Multan Division.

177. M. L. Waring, Esq., I.C.S., Deputy Commissioner, Dera Ghazi Khan.

178. Captain A. J. O'Brien, C.I.E., I.A., Deputy Commissioner, Mianwali.

179. Lala Ganga Ram, District Judge.

180. Lala Kishen Lall, Pleader.

181. M. Sultan Ahmad, Revenue Extra Assistant Commissioner.

182. Lala Barkat Ram, B.A., Delhi.

183. R. T. Clarke, Esq., I.C.S., Deputy Commissioner, Muzzafargarh.

184. Muzzafargarh Bar :—
Rajendra Prosad.
Naunehal Kishan.
Pyare Lal.

185. The Hon'ble Mr. R. E. Younghusband, Commissioner, Lahore Division.

186. Captain C. H. Buck, Deputy Commissioner, Montgomery.

187. Lieutenant-Colonel C. G. Parsons, Deputy Commissioner, Lahore.

188. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.

189. Major C. Powney Thompson, I.C.S., Deputy Commissioner, Gurdaspur.

190. E. A. Estcourt, Esq., I.C.S., Deputy Commissioner, Gujranwala.

191. J. McC. Donie, Esq., C.S.I., I.C.S., Commissioner, Rawalpindi Division.

192. M. W. Fenton, Esq., I.C.S., Officiating Commissioner, Multán Division.

XXII. Letter from the Government of Burma, no. 860-1 L.-6, dated the 24th February 1908, and enclosures, namely :—

1. Letter from the Government of Burma, no. 419-1L-15, dated 16th October 1907, to the Chairman, Burma Chamber of Commerce, and certain others.

2. Sir J. George Scott, K.C.I.E., Superintendent and Political Officer, Southern Shan States.

3. The Hon'ble Maung Ba Tu, Member, Imperial Legislative Council.

4. The Hon'ble Mr. W. A. Stikeman, Vice-Chairman, Rangoon Port Commissioners and Member of Provincial Legislative Council.

5. The Hon'ble Mr. Sydney Roberts, Manager, Bombay-Burma Trading Association.

6. J. R. Halliday, Esq., Chairman, Burma Chamber of Commerce.

7. B. Houghton, Esq., B.A., C.S., Commissioner, Arakan Division.

8. Major W. R. Stone, I.A., Officiating Deputy Commissioner, Akyab.

9. Members of Akyab Municipality.
   - Htoon Chan.
   - Ulu Bu.
   - J. H. Wilson.
   - M. Ahmad.
   - W. Orr Orr.

10. The Hon'ble Mr. F. C. Gates, C.S.I., I.C.S., Financial Commissioner.

11. H. M. S. Mathews, Esq., Officiating Settlement Commissioner.

12. N. G. Cholmeley, Esq., B. A., I.C.S., Commissioner, Magwe Division.

13. Port Commissioners, Rangoon.

14. Rangoon Trades Association.

15. Mr. M. Cowasjee, K.I.H., Member, Rangoon Municipality, representing the views of the Rangoon Municipality.

16. Mr. Forbes, Rangoon Municipality.

17. Dr. Pedley, Rangoon Municipality.

18. D. H. R. Twomey, Esq., I.C.S., Commissioner, Mandalay Division.

19. G. W. Dawson, Esq., I.C.S., Deputy Commissioner, Bhamo.

20. E. C. S. George, Esq., I.C.S. Deputy Commissioner, Ruby Mines District.

21. W. A. Hertz, Esq., Deputy Commissioner, Myitkyina.

22. Major F. D. Maxwell, C.I.E., I.A. Commissioner, Irrawaddy Division.

23. H. Clayton, Esq., M. A., I.C.S., Deputy Commissioner, Maubin.

24. Lieutenant-Colonel F. H. Elliott, I. A., Deputy Commissioner, Bassein.

25. Bassein Municipality.

26. Sub-divisional Officer, Ngathainggyaung.

27. Town Committee, Kyonpyaw.

28. The Hon'ble Mr. H. L. Eales, I.C.S., Commissioner, Pegu Division.

29. Deputy Commissioner, Tharawaddy District.

30. Deputy Commissioner, Pegu District.

31. Deputy Commissioner, Hanthawaddy District.

32. Deputy Commissioner, Rangoon.

33. Honorary Magistrates, Rangoon.

34. Collector of Rangoon.

35. B. S. Carey, Esq., C.I.E., Officiating Commissioner, Mandalay Division.

36. Major D. J. Macnab, on behalf of the leading residents of Mandalay, the Municipal Committee and Upper Burma Bar Association.

37. Statement of alterations proposed in the Regulations relating to the Burma Legislative Council.

XXIII. Letter from the Government of Eastern Bengal and Assam, no. 946-C., dated the 14th March 1908, and enclosures, namely :—

1. Eastern Bengal Landholders' Association.

2. Assam Association, Gauhati.

3. Provincial Muhammadan Association.

4. Indian Tea Association.

5. Indian Tea Association (Assam Branch).

6. „ „ (Surma Valley Branch).

7. Dooars Planters' Association.

8. Chamber of Commerce, Narayanganj.

9. „ „ Chittagong.

10. Port Commissioners, Chittagong.

11. W. B. Brown, Esq., I.C.S., Judge of the Assam Valley Districts.

12. E. G. Drake-Brockman, Esq., District Judge of Dacca.

13. A. H. Cuming, Esq., I.C.S., District and Sessions Judge, Tippera.

14. B. K. Mullick, Esq., I.C.S., District and Sessions Judge, Chittagong.

15. Abdul Majid, Esq., District and Sessions Judge, Rajshahi.

16. H. Luson, Esq., Commissioner, Chittagong Division.

17. F. C. Henniker, Esq., I.C.S., Officiating Commissioner, Rajshahi Division.

18. F. W. Strong, Esq., I.C.S., Collector, Dinajpur.

19. J. F. Gruning, Esq., I.C.S., Deputy Commissioner, Jalpaiguri.

20. S. C. Mukherjee, Esq., I.C.S., Collector, Pabna.

21. The Hon'ble Mr. J. C. Arbuthnott, C.I.E., I.C.S., Commissioner, Surma Valley and Hill Districts and Member, Legislative Council.

22. H. A. Colquhoun, Esq., I.C.S., Deputy Commissioner, Sylhet.

23. F. C. French, Esq., I.C.S., „ „ Cachar.

24. Babu Hari Charan Dass, Government Pleader, Cachar.

25. Maulvi Syed Abdul Majid, B. L., Chairman, Sylhet Municipality.

26. Major H. W. G. Cole, Superintendent, Lushai Hills.

27. Babu Kamini Kumar Chanda, M.A., B.L., Vakil, High Court, Silchar.

28. F. J. Monahan, Esq., I.C.S., Commissioner, Assam Valley Districts.

29. Babu Manick Chandra Barua, Gauhati.

30. Major D. Herbert, I.A., Deputy Commissioner, Kamrup.

31. A. W. Botham, Esq., I.C.S., Deputy Commissioner, Sibsagar.

32. Lieutenant-Colonel Albert E. Woods, I.A., Deputy Commissioner, Lakhimpur.

33. Major H. M. Halliday, I.A., Deputy Commissioner, Darrang.

34. Khan Bahadur Muhammad Ali Nawab, Zamindar, Tippera.

35. Bar Library, Barisal.

36. District Board, Dacca.

37. „ „ Mymensingh.

38. „ „ Backerganj.

39. „ „ Chittagong.

40. „ „ Noakhali.

41. „ „ Rangpur.

42. „ „ Dinajpur.

43. „ „ Tippera.

44. Rangpur Municipality.

45. Khan Bahadur Khajeh Muhammad Yusuf, Chairman, Dacca Municipality.

46. Maulvi Mahib-ud-din Ahmad and five other Municipal Commissioners.

47. Babu Sarat Chandra Chakravarti and two other Municipal Commissioners.

48. Narayanganj Municipality.

49. Barisal Municipality.

50. Mymensingh Municipality.

51. Rampur Boalia Municipality.

52. Chittagong Municipality.

53. Gauhati Municipality.

54. The Hon'ble Mr. H. W. Savage, C.S.I., I.C.S., First Member, Board of Revenue.

55. The Hon'ble Mr. C. R. Marindin, I.C.S., Secretary to the Board of Revenue.

56. The Hon'ble Nawab Khwaja Salimullah Bahadur, C.S.I., of Dacca.

57. The Hon'ble Maharaja Girija Nath Roy Bahadur of Dinajpur.

58. Robert H. Henderson, Esq.,

59. The Hon'ble Rai Dulal Chandra Deb, Bahadur.

60. The Hon'ble Rai Sita Nath Roy, Bahadur.

61. Syed Nawab Ali Chaudhuri.

62. The Hon'ble Khwaja Muhammad Asghar, Member of the Provincial Legislative Council.

63. The Hon'ble Mr. V. Woods, Agent, Assam-Bengal Railway.

64. The Hon'ble Mr. W. Teunon, I.C.S., Officiating Legal Remembrancer.

65. The Hon'ble Mr. W. T. Cathcart.

66. Dinajpur Municipality.

67. Bengal Chamber of Commerce.

68. J. E. Webster, Esq., I.C.S., Judicial Secretary to Government.

69. L. O. Clarke, Esq., I.C.S., Collector of Mymensingh.

70. H. LeMesurier, Esq., C.I.E., Commissioner of Dacca Division.

71. R. B. Hughes-Buller, Esq., I.C.S., Collector of Bakarganj.

72. B. C. Allen, Esq., I.C.S., Collector of Dacca.

73. J. Donald, Esq., I.C.S., Collector, Faridpur.

74. Babu Suresh Chandra Singha, Sub-Divisional Officer of Munshiganj.

75. Faridpur Municipality.

76. Bar Library, Dacca.

77. Maulvi Hemayet-ud-din Ahmed, Pleader, Barisal.

78. Rai Jogendra Kishore Rai Chaudhry, Bahadur.

79. Babu Jagat Kishore Acharjee Chaudhry, Zamindar, Muktagacha.

80. Babu Anath Bandhu Guha, B.L.

81. Rai Parvati Sankar Chaudhury of Teesta, District Dacca.

82. Maulvi Muhammad Ismail, B.L,, Mymensingh.

83. Bar Library, Sylhet.

XXIV. Letter from the Hon'ble the Chief Commissioner, Central Provinces, no. $\frac{1285}{1\text{-}15\text{-}2}$, dated the 18th June 1908, and enclosures, namely :—

1. Note by the Chief Commissioner on the Government of India proposals regarding the Legislative and Avisory Councils.

2. Anjuman Islamia, Jubbulpore.

3. M. W. Fox-Strangways, Esq., I.C.S., Commissioner, Jubbulpore Division.

4. H. A. Crump, Esq., I.C.S., Commissioner, Nerbudda Division.

5. Anjuman-i-Hami-e-Islam, Nagpur.

6. Rao Bahadur R. N. Mudholkar, B.A.,LL.B., Advocate, Amraoti.

7. Malguzari Sabha, Jubbulpore.

8. B. Robertson, Esq., C.I.E., I.C.S., Commissioner, Berar.

9. F. A. T. Phillips, Esq., I.C.S., Commissioner, Chattisgarh Division.

10. J. Walker, Esq., C.I.E., I.C.S., Offg. Commissioner, Nagpur Division.

11. A. B. Napier, Esq., I.C.S., Deputy Commissioner, Nagpur.

XXV. Letter from the Honorary Secretaries, Mahajana Sabha, Madras, dated 25th February 1908.

XXVI. Memorandum by the All-India Muslim League, dated Aligarh, the 24th March 1908.

XXVII. Letter from Colonel Abdul Majid Khan, Honorary General Secretary, All-India Rajput Conference, dated Patiala, the 15th May 1908.

XXVIII. Resolutions passed at the second United Provinces Conference held at Lucknow on the 2nd March 1908.

XXIX. Letter from R. C. Dutt, Esq., C.I.E., Member of the Decentralization Commission, dated the 11th and 26th March 1908, and annexure.

XXX. Memorandum by the Hon'ble Mr. G. K. Gokhale, C.I.E.

Enclosure No. I.

NOS. 2310—2317.

FROM

SIR HAROLD STUART, K.C.V.O., C.S.I.,

Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

„ SECRETARY TO THE GOVERNMENT OF BOMBAY, GENERAL DEPARTMENT.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

„ CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

„ HONOURABLE THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

Home Department.
Public.

Simla, the 24th August 1907.

SIR,

IN a speech addressed to the Legislative Council on the 27th March last His Excellency the Viceroy announced that, with the object of satisfying the constitutional requirements of the Indian Empire, the Government of India had of their own initiative taken into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters. The Secretary of State for India has since intimated in his speech in the House of Commons on the Indian Budget that His Majesty's Government have examined the proposals submitted to them by the Government of India, and have authorised the Governor General in Council to consult local Governments and invite public opinion on this important subject.

2. It is now twenty years since Lord Dufferin's Government initiated the discussions which resulted in the passing of the Councils Act of 1892. The reforms then introduced, comprising the enlargement of the Legislative Council,

the recognition of the elective principle, the admission of interpellations and the free discussion of the Budget, were held to be justified by the spread of English education, by the increased employment of natives of India in the actual administration of the country and by the indubitable proof which they had given of their intellectual fitness for such employment. The extent of the advance that has since taken place in the development of the educated classes can hardly be judged by statistical tests. But it may be mentioned that within the last twenty years the number of scholars studying English has risen from 298,000 to 505,000; whilst the number of students passing the annual matriculation examination of the Indian Universities has increased from 4,286 in 1886 to 8,211 in 1905, and the number of Bachelors of Arts from 708 in the former year to 1,570 in the latter. During this period higher education has penetrated to circles which a generation ago had hardly been affected by its influence. The ruling Chiefs and the landholding and commercial classes possessing a material stake in the country, and representing the most powerful and stable elements of Indian society have now become qualified to take a more prominent part in public life, and to render a larger measure of assistance to the Executive Government. They no longer stand aloof from the new social and political conditions which affect the course of Indian affairs; they have profited greatly by the educational advantages offered to them under British rule; and they are anxious to be afforded an opportunity of expressing their views on matters of practical administration. No scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence. For the present at any rate the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life and are qualified to speak with authority on their behalf. Nor does the scheme now put forward contemplate any surrender or weakening of paramount British power in India upon which depend the safety and welfare of the vast populations there committed to it. Subject to this essential condition, that the Executive authority of the Government is maintained in undiminished strength, the Government of India believe that the proposals outlined below represent a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers, and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions. The classes which will be enabled, under the present scheme, to take a more effective part in shaping the action of Government, may reasonably look forward, as the necessary outcome of the measures now in contemplation, to a larger share in the actual work of administration and more extensive employment in the higher offices of the State. The Government of India recognise the essential justice of the claim that is put forward, and they are convinced that it is possible, without neglecting the other interests and obligations involved, to move gradually forward towards the fulfilment, in no grudging spirit, of a pledge which the peoples of India are entitled to regard as inviolable.

3. The Governor General in Council has been much struck by the difficulty encountered by the Governments in India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them. When the right of interpellation was granted by the India Councils Act of 1892 to the Legislative Councils, it was hoped that by that means correct information on public affairs might be more widely diffused. The Legislative Councils, however, are called together only when there is legislation to be undertaken, their meetings are too infrequent to offer the means of confidential and intimate consultation between Government and its subjects, and the strict procedure by which they are restrained naturally tends to formality. A means for this free and close consultation might be supplied by Advisory Councils of the type explained below, and in the opinion of the Government of India their organisation should be undertaken with this as a principal object in view.

An Imperial Advisory Council.

4. All Indian Governments, and all administrative officers in their respective positions, have made it their business to elicit the opinions on administrative measures and proposals for action of those qualified to advise them in all ranks of society; and this process will, of course, continue. Such advice and opinion as are thus obtained are the indispensable foundation upon which good administration is built up, and the regular consultation of persons qualified to give them is part of the necessary procedure of Government. It has, however, long been felt that considerable advantages might be expected from any measures which, without impeding the free action of the Executive Government of India in the general conduct of affairs, would in some degree associate the great ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests. The realisation of this idea has now been rendered more practicable by the closer conformity of the general principles and methods of administration in the more advanced Native States to those followed in British territory, and by the fact that common interests have arisen, and that certain measures, such as famine relief or education, may from time to time affect their own subjects and dominions, calling for co-operation between the States and the British Government. A measure of the kind contemplated would thus to some extent satisfy a growing want in India. It would give a greater sense of responsibility to those whose advice is sought on questions submitted to them, and it would at the same time commend itself to public opinion as tending to promote more intimate relations between the component parts of the Indian Empire. The establishment and recognition of a determinate body of advisers, who, while requiring no legislative recognition, and possessing in themselves no formal powers of initiative, would be consulted individually by the Governor General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people, would, in the opinion of the Government of India, be a marked step in constitutional progress. It would maintain unimpaired the authority and responsibility of the Executive Government, and it would be in accordance with the best traditions of oriental polity. These have always recognised that the Sovereign, however absolute, should make it his business to consult competent advisers, and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. The scheme would thus be no innovation in principle (as are some applications of Western methods to Eastern society), and if judiciously applied would, by evoking the stable forces fundamentally so strong in India, lend valuable aid to the orderly working of government. For this purpose what appears to be needed is an Imperial Advisory Council of sufficient size and weight to represent the views of the hereditary leaders of the people, both in British India and in the principal Native States, to be consulted by the Governor General either individually or collectively or by means of committees appointed from among their number, on questions of sufficient moment to call for their advice, and to be used by him not only to draw out opinion on measures in contemplation, but also—what is hardly less important—as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government.

5. It seems to the Government of India that the purposes which they have in view might possibly be attained somewhat on the lines of the following proposals:—

(1) That a Council to be called "The Imperial Advisory Council" should be formed for purely consultative purposes.

(2) That all the members should be appointed by the Viceroy and should receive the title of "Imperial Councillors."

(3) That the Council should consist of about sixty members for the whole of India, including about twenty Ruling Chiefs, and a suitable number of the territorial magnates of every province where landholders of sufficient dignity and status are to be found.

(4) That the members should hold office for a substantial term, say for five years, and should be eligible for re-appointment.

(5) That the Council should receive no legislative recognition, and should not be vested with formal powers of any sort.

(6) That its functions should be purely advisory, and that it should deal only with such matters as might be specifically referred to it from time to time.

(7) That the proceedings of the Council when called together for collective consultation should, as a rule, be private, informal and confidential, and they would not be published, although Government would be at liberty to make any use of them that it thought proper. The Government of India believe that only confidential communications will secure frank interchange of opinion, but they are disposed to think that it might be advisable, after matters had been threshed out in confidential consultation, to provide for some public conferences at any rate on those occasions when the Government desires to make its motives and intentions better known, to correct misstatements, and to remove erroneous impressions.

Provincial Advisory Councils.

6. The main work of Indian administration, however, is carried on by the various Provincial Governments, and it appears to the Governor General in Council desirable that these should, in like manner, when the local conditions admit, be furnished with a selected body of advisers, chosen upon a wider basis, whom it should be understood that they would consult upon all measures of importance affecting the populations committed to their charge. The constitution proposed for the Imperial Advisory Council provides for the appointment of members chosen with reference to their status and influence from each of the provinces of British India. These provincial members of the Imperial Council, representing as a rule the great landholders of the province to which they belong, might, it is thought, with advantage form the nucleus of a Provincial Advisory Council which would discharge in respect of provincial questions consultative functions similar to those entrusted to the members of the Imperial Council. The Provincial Councils would be of smaller size than the Imperial Council, but their membership should be large enough to embrace all interests of sufficient importance to claim representation on such a body. The great landholders would be represented by the Imperial Advisory Councillors, but it is essential that the smaller landholders, industry, commerce, capital, and the professional classes should also be included in the Council; while the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian Society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. The number required for this purpose might be made up by adding to the Imperial Advisory Councillors, who as stated above would represent the landholders, representatives of other important provincial interests who would be nominated for the Viceroy's approval by the head of the local Government. Each local Government should be at liberty to consult its Advisory Council either individually or collectively in regard to any provincial question. In the former case they would be consulted by letter, and would submit their views in writing. In the latter case they would be specially called together by the head of the province and would tender a collective opinion. On such occasions the head of the Government himself, or some high official deputed by him for the purpose, would preside over their deliberations, and the conclusions arrived at would be recorded by one of the Secretaries to Government, who would attend the meeting for the purpose of furnishing such information as might be required regarding the matters under discussion. The Government of India attach the highest importance to collective deliberation, since the opinions thus obtained are different from and frequently more valuable than those elicited by individual consultation.

7. It will be observed that these Advisory Councils are intended to be entirely distinct from the Legislative bodies, whose powers are defined by

Statute, and whose functions are restricted to dealing with measures of legislation laid before them, to discussing the Budget, and to approaching the Government on matters of administration by means of formal interpellations. It may, of course, happen that members of the Advisory Councils may sit on the Legislative Council, either of the Governor General or of the local Government. In their capacity of advisers they will be consulted both on matters on which no legislation is contemplated, and on measures which may eventually assume legislative shape, but the principles and scope of which call for enquiry and deliberation before they are cast into the form of an enactment. This is, in fact, the process now followed ; and the object of the Government of India, in proposing the constitution of the new advisory bodies, is to give clearer definition and continuity to methods already partially and occasionally adopted.

Enlargement of the Legislative Councils.

8. As long ago as May 1889 Lord Lansdowne's Government expressed their opinion—

(*a*) That the opportunities accorded to the Legislative Council of the Governor General for passing under review the financial situation of the country should occur with regularity and independently of the necessity of financial legislation in any particular year ; and

(*b*) That members of the Council ought to have, under proper safeguards, the right of addressing questions to the Government on matters of public interest.

They considered it desirable to extend these two changes of procedure to the provincial Legislative Councils, and they suggested that any changes in the law which might prove to be necessary for this purpose, and in order to enlarge the size and extend the functions of the Councils, should be simultaneously effected both for the Legislative Council of the Governor General and for the provincial Legislative Councils. The discussion thus initiated resulted in the passing of the Indian Councils Act of 1892. In forwarding a copy of that Act to the Government of India, the Secretary of State referred briefly to the beneficial results of the Indian Councils Act of 1861, and to the general considerations which justified the enlargement of the Legislative Councils, and drew attention to the provision authorising the Governor General in Council, with the approval of the Secretary of State, to make regulations as to the conditions under which nominations of additional members should be made and to prescribe the manner in which those regulations should be carried into effect. He observed that the spread of education and enlightened public spirit, and the recent organisation of local self-government, might render it possible to give representation to the views of different races, classes, and localities through the medium of corporations vested with definite powers upon a recognised administrative basis, or of associations formed upon a substantial community of legitimate interests, professional, commercial, and territorial.

9. When the Councils were thus enlarged and the elective principle was introduced, it was recognised that territorial representation was unsuited to India, but an endeavour was made to constitute the electorates so that all the more important classes and interests should, as far as possible, be represented. In the case of provincial Councils it is admitted that the results have not justified the expectations formed. The District Boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interest. Out of 54 members elected by them to the provincial Councils, only 10 have been landholders, while 36 have been barristers and pleaders. Similarly, out of 43 members elected by the District Municipalities, 40 have been barristers or pleaders and only two landholders. Something has been done by nomination to remedy these defects ; but of the 338 non-official members who have been appointed, whether by election or by nomination, to the provincial Councils since election was introduced in 1893, as many as 123 or 36 per cent. have been lawyers and only 77 or 22 per cent. landowners. It is thus apparent that the elective system has given to the legal profession a prominence in the provincial

Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. These shortcomings are reflected in the Legislative Council of the Governor General, where of the non-official members nominated or elected since 1893, 27 or 40 per cent. have been lawyers or schoolmasters, while the landholders have numbered only 16 or 23·5 per cent. and the mercantile community has been represented by 17 or 25 per cent. The Government of India are far from denying that the professional classes are entitled to a share of representation proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase. But they are not prepared to allow them a virtual monopoly of the power exercised by the Councils, and they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to their excessive influence by creating an additional electorate recruited from the landed and monied classes.

10. It is the desire of the Governor General in Council that the Legislative Councils in India should now be enlarged to the fullest extent compatible with the necessary authority of the Government. He desires, moreover, that these bodies should be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community. In carrying out this system, which the Government of India agree with Lord Lansdowne's Government in regarding as the only one in any way applicable to Indian conditions, they consider it essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. The principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question, and if two men are not able to wield one sceptre, it is idle to dissemble that fact in constructing political machinery. The question then arises, what number of official members of the requisite standing and experience can, without detriment to the public service, be spared from their regular duties for attendance in Legislative Councils? The enlargement of the Councils is certain to add considerably to protraction of debate, thus entailing larger calls upon the time of their members. The necessity of maintaining an official majority thus implies the necessity of limiting the number of non-official members; and the problem which faces the Government of India now, as it faced Lord Lansdowne's Government fifteen years ago, is how to provide for the due representation, within the narrow limits thus imposed, of the vast diversity of classes, races, and interests in the Indian Empire.

The Imperial Legislative Council.

11. The most logical and convenient mode of dealing with the question would have been first to discuss and settle the composition, the electorates, and the powers of the provincial Legislative Councils and then to build up on the basis of these materials a revised constitution for the Imperial Council. That was the procedure followed with great care and thoroughness by Lord Lansdowne's Government in the years 1889 to 1893 when no single step was taken without the amplest consultation with the provincial Governments. It may no doubt be said that the scheme set forth below for the enlargement of the Imperial Legislative Council will afford a convenient model for the guidance of the local Governments in framing their own proposals. This statement, however, is true only to a limited extent. From the nature of the case that scheme makes no provision for the representation of the Municipalities and District Boards, the Universities, the Presidency Corporations, the Trades Associations, the European planting and industrial interests and Indian Commerce, so that in respect of these essential elements of the provincial Councils it can hardly be said to afford sufficient guidance to local Governments. The constitution of the Imperial Legislative Council is in fact so closely bound up with that of the provincial Councils, by which a certain proportion of its members are elected, that it is almost impossible to formulate final proposals for the one without having first determined the character of the other. It must be understood, therefore, that the scheme set

forth below for the enlargement of the Legislative Council of the Governor General is intended to be entirely provisional and suggestive, that it indicates only the main lines upon which, in the unaided judgment of the Government of India, the extension of the Council might be effected, and that they reserve to themselves the fullest discretion to modify their proposals in the light of the comments and criticisms which those proposals may elicit from the local Governments and the public.

12. With these introductory remarks the Government of India pass on to consider how the principle of the representation of classes and interests can be given effect to in the Governor General's Legislative Council. They suggest that the Council might in future be constituted on the following lines :—

(1) The maximum strength of the Council might be 53, or, including the Viceroy, 54.

(2) This number might be made up thus—

A.—Ex-officio, the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council	8
B.—Additional officials to be nominated, not exceeding	20
C.—A Ruling Chief to be nominated by the Viceroy	1
D.—Elected members—	
(*a*) by the Chambers of Commerce of Calcutta and Bombay ...	2
(*b*) by the non-official members of the provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma	7
(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	7
(*d*) by Mahomedans	2
E.—Non-officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans ...	4
F.—Experts to be nominated by the Viceroy, when necessary, for special purposes	2
Total ...	53
or, including His Excellency the Viceroy	54

13. Under the present system four additional members are elected by the non-official members of the Councils of Bombay, Madras, Bengal, and the United Provinces. The Government of India propose to raise the number to seven by extending the privilege of election to the non-official members of the Councils of Eastern Bengal and Assam, the Punjab and Burma. The number of non-official members of such Councils will no doubt be materially increased. This will remove the objections which have been taken to entrusting the privilege of election to so important a post as that of member of the Viceroy's Council to an electorate consisting of only about ten persons.

14. The Government of India are impressed with the necessity for giving substantial representation to the great landholders, who not only constitute the aristocratic and stable elements in Indian society, but also represent the interests of the landlords, great and small. For the purpose of securing the adequate representation of this class, it has been suggested that a list of electors should be formed in each province, and that they should be required to elect direct. The precise details of the electorate will require careful consideration and they will necessarily vary with the circumstances of each province, but the general idea is that a provincial electorate varying in size from one hundred to one hundred and fifty should be aimed at, and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year. The exact limit to be fixed must, of course, depend on the status of the landholders in the

province concerned. In every case it would be made a condition that the member elected to represent this class must himself belong to it. Owing to the peculiar conditions of Burma, where there are no large landowners outside the primitive Shan States, that province would be excluded from this category.

15. The question may be raised whether a satisfactory constituency for the purpose of electing a member of the Imperial Legislative Council can be formed by massing together for voting purposes the entire body of landholders in so large and in many respects so heterogeneous an area as an entire province. It may be thought that an electorate thus constituted would be wanting in solidarity, that it would be apt to fall into the hands of wirepullers, and that by reason of the incongruous elements which it comprised, it might fail to choose a suitable representative on the Imperial Council. On this point, therefore, the Governor General in Council reserves judgment until he is in possession of the views of local Governments. As an alternative solution the suggestion has been made that a representative of the landholders should be elected to the Imperial Council by the landholding members of the provincial Council either from among their own number, or from among landholders paying the amount of land revenue that may be fixed as giving the right to vote for or to be a member of the provincial Council. It is also a matter for consideration whether in some provinces representatives of this class, whether on the provincial or on the imperial Council, cannot be better obtained by a system of nomination.

16. The last point that remains for consideration under this head relates to the representation of special interests and minorities, and in particular of the Mahomedan community. In this connection, I am to invite attention to the observations made by His Excellency the Viceroy in reply to the address presented to him by a large and representative deputation on the 1st October 1906. The Government of India concur with the presenters of the address that neither on the Provincial nor in the Imperial Legislative Councils has the Mahomedan community hitherto received a measure of representation commensurate with its numbers and political and historical importance; and they desire to lay stress upon his Excellency's observation that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent." Under the system of election hitherto in force, Hindus largely predominate in all or almost all the electorates, with the result that comparatively few Mahomedan members have been elected. These have been supplemented by nominations made by Government. But the total representation thus effected has not been commensurate with the weight to which the Mahomedan community is entitled; and it has, moreover, been strongly urged that even the system of nomination has frequently failed to secure the appointment of Mahomedans of the class by whom the community desires to be represented.

17. The Government of India suggest, therefore, for the consideration of local Governments, the adoption of the following measures:—Firstly, in addition to the small number of Mahomedans who may be able to secure election in the ordinary manner, it seems desirable in each of the Councils to assign a certain number of seats to be filled exclusively by Mahomedans. Secondly, for the purpose of filling the latter, or a proportion of them, a special Mahomedan electorate might be constituted consisting of the following classes:—

(1) All who pay land revenue in excess of a certain amount. The figure need not be the same in each province; but should in all cases be sufficiently low to embrace the great body of substantial landholders.

(2) All payers of income-tax. This would comprise the trading and professional classes, with incomes exceeding Rs. 1,000 a year.

(3) All registered graduates of an Indian University of more than, say, five years' standing.

The electoral lists would be prepared on a district basis, and the distribution of seats would be settled by the local Governments. It would not be necessary, however, to throw open all the seats to election. Indian gentlemen of position

sometimes refuse to offer themselves as candidates to a wide electorate, partly because they dislike canvassing, and partly by reason of their reluctance to risk the indignity of being defeated by a rival candidate of inferior social status. For these reasons it would probably be advisable to reserve a proportion of the seats to be filled, as at present, by nomination.

18. In the case of the Governor General's Council it has been suggested that of the four seats which the Government of India have proposed to set apart for Muhammadans two should be filled by nomination by the Viceroy. For the other two election by the following provinces in rotation, *viz.*, Bengal, Eastern Bengal and Assam, the United Provinces, Punjab, Bombay and Madras, is suggested. In Burma and the Central Provinces the proportion of Muhammadans is not large enough to entitle them to special representation. The composition of the electorate in the six provinces mentioned above formed the subject of representations by some prominent members of the Muhammadan deputation which waited upon His Excellency the Viceroy in October 1906. They proposed that the electorate should be constituted as follows :—

(*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expanded.

(*b*) The Muhammadan Fellows of the local University, where one exists.

(*c*) Muhammadans paying income-tax upon an annual income of Rs. 25,000, or paying an amount of land revenue, to be determined for each province separately, which will indicate a corresponding income.

The Government of India apprehend that some difficulty may be experienced in compiling a list of voters under the last of these heads, but this is a matter on which they will be guided by the opinion of local Governments. Should it be found impracticable to compile a register of voters under (*c*), then they are disposed to think that the electorate should be confined to the Muhammadan non-official members of the Provincial Councils. This proposal is open to the objection that the number of electors will be small ; but it has the merit of being uniform with the system under which the other non-official members are elected by the members of the Provincial Councils.

19. Of the four seats provided for the nomination of non-officials under head E, two would be reserved for Muhammadans, to whom not less than four seats in the Governor General's Council would thus be definitely appropriated. Inasmuch as in two of the seven provinces with Legislative Councils, namely, Eastern Bengal and Assam and the Punjab, the followers of this religion constitute a majority of the population, it seems possible that a certain number of Muhammadans may also be returned to the Council under sub-head (*b*) of head D.

The Provincial Legislative Councils.

20. The foregoing scheme for the Imperial Legislative Council necessarily omits several elements which may form part of the Provincial Councils. Having regard to the wide variety of conditions in different parts of India, it is improbable that any one scheme will prove to be equally adapted to all provinces. For instance, the principle of having recourse to election may be distasteful to the landed classes in some provinces, while in others, where it has become familiar, it may be accepted without objection. The general principle to be borne in mind is, as already stated, that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained.

21. At present the larger number of the elected members of the Provincial Councils, who again constitute the majority of the electorate for the Imperial Council, are chosen by Municipalities and District Boards. The Government of India have examined the franchises which have been framed for these bodies, and they find that the qualifications required both for electors and for candidates are extraordinarily low. Thus, in all but three of the Mufassil towns of Bengal, any one who pays Rs. 1-8 a year in rates is entitled to vote in the election of Municipal Commissioners, and is, himself, eligible for membership, not only of the

Municipal Committee, but also of the Provincial Legislative Council; while any one who pays Re. 1 a year as road cess may take part in the elections for the Local Boards, who in their turn elect the members of the District Boards. This is the franchise upon which the election of the Bengal members, not only of the Provincial, but also in large degree of the Imperial Council, rests ultimately, though not immediately. And in the other provinces the qualifications are of much the same order of magnitude. These franchises were primarily devised with a view not to election of Councils, but to the management of local affairs; and their unsuitability as a foundation for the selection of legislator seems to have escaped notice in 1893. The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years. But it does not follow that the present system of voting must be maintained unchanged, and a solution might perhaps be arrived at by introducing special qualifications for members of Council while leaving the electoral franchise in other respects unchanged.

22. It would be well also to consider whether, in view of the constitution of Indian society, it would not be advisable to introduce some such system for the representation of classes now liable to be crowded out by any predominent section of the population, as has already been admitted to be necessary in the case of Muhammadans. The Government of India do not wish to impose upon Provincial Governments any special line of action in making proposals with this object, but they desire to draw attention to the following scheme which has been suggested to them for the due representation of classes in local Councils and Boards :—

(*a*) The local Government shall determine how many seats are to be filled by elected representatives of the most important classes into which the population of the province is divided by race, caste, or religion, and shall allot these seats to the several classes.

(*b*) For the election of representatives of each class the local Governments shall publish a list of voters consisting of members of that class who have held or are holding office in the Municipal or Local Boards, supplemented by others whom the Government may nominate after consultation with the *anjumans*, *panchayats* or other bodies who have been constituted by the class in question for the direction of its own affairs.

(*c*) As the constitutions of the Provincial Councils must largely depend upon the Municipal and Local Boards, it is suggested that local Governments should introduce into their systems of election and nominations for these Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste, or religion and permitting the members of that class to select its own representative. In the Municipalities of Rangoon and Mandalay and to a limited extent in certain Municipalities in the United Provinces this principle of class representation has been adopted with successful results. In the case of District and Local Boards it might perhaps be possible to distribute the seats to be filled by election among occupational groups such as landholders, cultivators, traders and professional men, and to select certain castes as representing each group. The literate members of those castes who paid a certain sum in taxes or possessed certain property qualifications might then be empowered to elect one of their own number to represent the occupational group on the Board. Suppose, for example, that in a particular area eight members had to be elected to serve on the Local Board, four seats might be allotted to the Muhammadans if their number were large enough to entitle them to this proportion, and the remaining four distributed among the Hindus, so that one seat should be given to the landholders, one to the traders, one to the cultivators and one to the artisans. The census statistics supplemented by local enquiries would afford the means of determining what castes should be selected for the purpose of electing a member for each of these groups, and only literate persons belonging to those castes and having certain property qualifications would be

entitled to vote in the electoral group to which their caste had been assigned and to elect a representative possessing similar qualifications from one of the castes so assigned. It seems probable that by some plan of this kind the voting power might be distributed over a wider circle than at present, and would be less liable to become concentrated in the hands of a single section of the community. The same object might be attained, without making use of the caste organization, by simply forming electoral groups on the basis of the four classes specified above and fixing for each group a distinct and appropriate franchise. For landholders the qualification might be the payment of a certain sum in the form of land revenue or cesses; for cultivators a certain rental; for traders and professional men so much income-tax. In each case the electors ought to be literate, and they should be required to elect from among their own group.

Discussion of the Budget in the Legislative Council.

23. The discursive and unfruitful character of the Budget debates, both in the Imperial and Provincial Councils, has on many occasions formed the subject of comment and criticism. The Government of India entirely recognise the defects of the practice which prevails under the existing regulations, and they are anxious to introduce such changes as will make the debates less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. To this end they propose that the Budget should be discussed, in the first instance, by separate heads, or groups of heads, which would be explained severally by the member in administrative charge, this discussion being followed by a general debate in which members would enjoy the same freedom as at present of criticising the administration. This change would evidently involve an extension of the time now allotted to the discussion, and it would afford a far better opportunity for systematic criticism than exists under present arrangements. These compel a member of Council to include within the limits of a single speech all the observations that he has to offer on any of the numerous subjects that naturally present themselves in an annual review of the administration of the revenues of India. Remarks made in the course of the ampler and more practical discussion which is now contemplated would be borne in mind by the Government of India or the local Government when making financial arrangements in subsequent years, and it might perhaps on occasion be found possible to alter the Budget actually under review.

24. These are the provisional and tentative proposals which, with the approval of His Majesty's Government, the Governor General in Council now lays before the Governor in Council / His Honour the Lieutenant Governor / you in the fullest confidence that they will receive the careful scrutiny and sympathetic consideration that their high importance demands. I am to request that after consultation with important bodies and individuals representative of the various classes of the community, the local Government will submit its matured conclusions to the Government of India on each branch of the subject, together with a detailed statement of the alterations that the Governor in Council / the Lieutenant-Governor / you desire (s) to make in the Council regulations in order to carry his proposals into effect.

25. I am to ask that a reply to this letter may be received by the Government of India not later than 1st March 1908.

I have the honour to be,

SIR,

Your most obedient servant,

H. A. STUART,

Offg. Secretary to the Government of India.

G. C. B. P., Simla.—No C. 86-H. D.—24-8-08.—1,000.—E. A. D'S.

NOS. 210—17.

FROM

G. B. H. FELL, ESQ.,
Deputy Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

„ SECRETARY TO THE GOVERNMENT OF BOMBAY, GENERAL DEPARTMENT.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

„ CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

„ HONOURABLE THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

Home Department.
Public.

Calcutta, the 21st January 1908.

SIR,

WITH reference to the Home Department circular letter nos. 2310—2317, dated the 24th August 1907, regarding the proposed enlargement of the Legislative Councils and the formation of Advisory Councils, I am directed to forward for the information of the Governor in Council / His Honour the Lieutenant-Governor / your information. a copy of a despatch from the Secretary of State for India, no. 146 (Public), dated the 20th September 1907, and its enclosure, *viz.*, a letter from Mr. A. J. Robertson, regarding the claims of the Eurasian community to representation on the Advisory Councils and Provincial Councils in India and on the Council of the Secretary of State. I am to say that the Governor General in Council will be glad if the Government of Madras / Bombay / etc. will give this question their / its / your special consideration and favour him with you / their / its / your views in regard to it in submitting their / its / your reply to the Home Department letter of the 24th August 1907.

I have the honour to be,

SIR,

Your most obedient servant,

G. B. H. FELL,

Deputy Secretary to the Government of India.

G. C. B. P., Simla.—No. C.-86 H. D.—26-8-08.—1,030.—E. A. D'S.

India Office, London,
20th September 1907.

Public,
No. 146.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,

I forward for the consideration of Your Excellency in Council a copy of a letter from Mr. A. J. Robertson urging the claims of Eurasian Community to representation on the Advisory Council and Provincial Councils in India and on the Council of the Secretary of State.

29th August 1907.

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble Servant,

JOHN MORLEY.

2, Essex Court, Temple, E. C.,
29th August 1907.

The Right Honourable John Morley, M. P.,
Secretary of State for India in Council.
Whitehall, S. W.

SIR,

Referring to your Budget speech and to the published papers relating to the contemplated measures of reform in connection with Indian administration, I take the liberty of addressing you on the subject on behalf of the Eurasian community in India, whose claim to representation both on the Council of the Secretary of State and on the Advisory Councils in India, has been entirely overlooked. I feel sure that the omission is not because of any lack of appreciation of our claims, but through the absence of the necessary information which would enable you to give consideration to the matter.

For political purposes, the three principal communities in India are—

(1) The Hindu,
(2) The Mahomedan, and
(3) The Eurasian,

and their numerical importance is in the order given. Of these only the two former are, under the new scheme of things, to be represented on your Council and in the Advisory Legislative Councils of India, and no right are at all accorded to Eurasians. There are several small native sects and castes which differ from each other on minor religious questions, but as their racial sympathies and ideals lie in the direction of supporting either Hindus *or* Mahomedans, the representation now conferred upon these two latter communities would naturally include the representation of these other sects as well.

The Eurasian community, on the other hand, do not stand in the same position as any of these sects. They are an important and distinct, though small, community. Their members have nothing in common with the pure natives of India—except the legitimate development of the country; whilst their point of view on Indian questions is different from that taken by non-domiciled Europeans. They principally consist of the descendants of early British, French, Dutch and Portuguese settlers (mostly British), and are recruited from time to time from the descendants of those Europeans who make a permanent home in India. They profess the Christian faith, and their ideals, customs, and habits are European. They are the Volunteer reserves of India, both Artillery and Infantry. Their loyalty to the Throne is unquestioned, and their political interests favour the maintenance of the *status quo*. And I may add, they are the most important link between Great Britain and the East, and in the last resort—if treated with the same consideration as is extended to the

two other communities—will be the strong bulwark of British rule in India. As descendants of Europeans, our standard of comfort and resulting expenditure is much higher than that of the pure native of India, who has been able to use this to our disadvantage. And there has been in existence in India the very difficulty which the Transvaal is finding itself face to face with, and the struggle to maintain our position in India has been intolerably unequal and unfair.

The difficulties of our position have been accentuated, if not provoked, by the fact that we are absolutely without representation of any kind, and by reason of our numerical inferiority; our claims to special consideration are either entirely ignored, or are subordinated to the wishes of the majority. And where Government has been disposed to be sympathetic towards our claims, it has felt itself hampered by the policy of maintaining the principle of abstract equality between all races alike. In a country such as Great Britain, where the electorates are merged in one common stock and whose members have analogous conceptions of religion, of patriotism and social duty, the will of a majority may, in general, govern the wishes of the minority. But in India a Government based upon the principle of majorities would be injured by reason of the peoples' having widely different religious and racial sympathies and one race being numerically in excess of another or others; and the protection of minorities becomes a matter of the first importance.

In the scheme for establishing the Advisory Councils, I note that provision is made for strengthening the Mahomedan representation; and on the Council of the Secretary of State in London both Moslem and Hindu Members are being appointed. As I understand these provisions, the policy now being inaugurated is :—

1. The recognition by Government of the claims of special communities qua communities.
2. The direct representation of such communities both on the Advisory Councils and the Council in London and the strengthening of such representation when necessary.
3. Adequate safeguards for the protection of minorities who may be outvoted on the Councils.

The Eurasian and domiciled European community in India are represented by the Eurasian and Anglo-Indian Associations of Madras, and the two sister Associations in Bombay and Calcutta. Representation in India has already been given to such bodies as the Chambers of Commerce, the Municipalities and the Universities. In view of the new policy now being formulated, I submit that the way is made clear for the recognition of the Eurasian Community politically, and the direct representation on the Councils in India and London of such members of our Community as may be delegated by our respective associations and approved of by you—one for each Provincial Council, one for the Imperial Council and one for the Council in London.

The only serious objection that can be urged against the request now put forward, is, it is conceived, that our numbers do not justify representation. It is true that our number does not exceed 100,000 or including the European Civil population 165,000 or thereabouts; but against this I would urge that only a very infinitesimal number of the 200 millions of Hindus (split up as they are into castes with rival interests) and 62 millions of Mahomedans, are educated men, and even with such education, it is denied that the state of civilization reached is as high as that arrived at by members of the Eurasian Community. Further, from our limited number we supply over 30,000 efficient volunteers to the State, and it cannot be that such a body of people deserve much less at the hands of the State than others to whom the State is not prepared to allow the carrying of arms.

I sincerely hope the matter will receive sympathetic consideration, and I beg to enquire whether you will consider the representations here made sufficient to warrant consideration, or whether I may be permitted to submit a joint memorial on the subject from the three Associations in India.

I have, etc.,

A. J. ROBERTSON.

G. C. B. P., Simla.—No. C. 86 H. D. 26-8-08.—1,030—E. A. D'S.

Enclosure No. II.

Extract from the Proceedings of the Government of Madras, Public Department, no. 886, Public, dated 22nd November 1907.

READ—the following papers :—

Letter from Sir Harold Stuart, K.C.V.O., C.S.I., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, no. 2310, dated Simla, the 24th August 1907.

* * * * * * * *

ENCLOSURE.

Telegram from the Secretary of State for India, to His Excellency the Viceroy, dated London, the 23rd (received 24th) August 1907.

* * * * * * * *

Memorandum no. 3466, Public, dated 22nd October 1907.

With reference to the letter from the Government of India, Home Department, no. 2310, dated the 4th August 1907, regarding the constitution of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, the Board of Revenue is requested to be good enough to favour Government with its opinion as to the property qualifications which should be adopted in this Presidency for the electorates referred to in paragraphs 14 to 18 of the letter. The question whether cesses and miscellaneous land-revenue payments should be included under the head "Land Revenue," should be considered. There are, it is observed, cases in which holders of permanently-settled estates pay only a small peshkash, but make large payments under other heads of land revenue.

2. It will be necessary for the Board to consider, with reference to (*e*) in paragraph 18 of the letter, what amount of land revenue payments should be held to indicate an income of Rs. 25,000 per annum.

3. It will also, no doubt, be necessary to cause local enquiries to be made before it can be ascertained how many persons holding land on ryotwari or inam or special tenures (as in the Agency tracts) would be qualified for the general or the special Muhammadan electorate if particular property qualifications are adopted.

4. Lists should be furnished of persons possessing the property qualifications which would be required for the electorates in the various hypothetical cases which the Board may, on consideration, select for examination and report.

5. The time allowed by the Government of India for the necessary enquiries and for consideration is short relatively to the importance of the subject and the difficulties which will doubtless be met with in obtaining complete and precise information. It will, however, be sufficient if rough lists are supplied, and, if any difficulties occur in carrying out the above orders the Board is requested to solve them, as far as possible, without making references to Government.

6. The Government will also be glad to be favoured with the opinions of the Members of the Board individually on the proposals of the Government of India as a whole. Opinions on the points noticed above together with the lists called for in paragraph 4 should, however, be forwarded independently at the earliest possible date for the consideration and information of Government and to supply a basis for any further references which the Government may decide to make.

H. BRADLEY,

Ag. Chief Secretary.

To the Board of Revenue (Land Revenue).

ORDER—No. 886, Public, dated 22nd November 1907.

In the above official memorandum the Board of Revenue were requested to furnish certain information and the Members of the Board to give their opinion individually with reference to the measures proposed by the Government of India in order to give the peoples of India wider opportunities of expressing their judgment on administrative matters. Some time must however necessarily elapse before the information called for can be collected and submitted, and meanwhile the Governor in Council desires to invite opinion on the questions raised in the appended memorandum.

2. The memorandum will accordingly be forwarded to the Board of Revenue and to all Collectors. Collectors should obtain the opinion, when possible in writing, of selected zamindars in their districts and of leading and influential persons of different castes and classes. They should also favour Government with their own opinions and those of any of their subordinates, particularly Indian subordinates, whom they may consider it advisable to consult. The opinion of the Resident in Travancore and Cochin is also invited.

3. The following letter will be addressed to the persons named below:—

All Members of the Legislative Council.
President, Corporation of Madras.
Secretary, Landholders' Association.
Chairman, Chamber of Commerce, Madras.
Secretary, United Planters' Association, Southern India.
Secretary, Trades Association, Madras.
Secretary, Eurasian and Anglo-Indian Association.
Mr. G. L. Acworth.
The Maharaja of Bobbili.
Sir A. V. Bhashyam Aiyangar, Kt., C.I.E.
Mr. J. A. Boyson.
M. R. Ry. L. A. Govindaraghava Aiyar, Diwan Bahadur.
Ghulam Muhammad Hasan Ali, Khan Bahadur.
Ghulam Muhammad, Khan Bahadur.
Ghulam Muhammad Ali Sahib Bahadur, Khan Bahadur, Prince of Arcot.
V. Krishnaswami Aiyar.
V. Muhammad Sharif, Khan Bahadur.
Nawab Muhammad Raza Khan.
M. R. Ry. Perraju Pantulu.
Mr. G. Romilly.
M. R. Ry. Diwan Bahadur R. Raghunatha Rao.
M. R. Ry. Diwan Bahadur P. Rajaratna Mudaliar, C.I.E.
M. R. Ry. Diwan Bahadur C. Ramachandra Rao Saheb.
M. R. Ry. Diwan Bahadur P. Ramaswami Chettiar.
Sir S. Subramanya Aiyar, K.C.I.E.
Nawab Saiyid Muhammad Sahib Bahadur.
M. R. Ry. G. Srinivasa Rao.
" N. Subba Rao Pantulu.
Mr. H. Scott.
M. R. Ry. P. S. Sivaswami Aiyar.
" N. Subramaniem.
The Raja of Venkatagiri.
M. R. Ry. G. Venkataratnam Pantulu.
" C. Vijiaraghava Chariyar.
" K. Venkata Rao.
" A. Venkataramana Poi.
Mr. A. J. Yorke.

I am directed to forward a copy of a letter from the Government of India, Home Department (Public), no. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council regarding certain measures proposed with the view of giving the peoples of India wider opportunities of expressing their judgment on administrative matters. I am directed to request that you will be good enough to favour the Government with

the opinion of { the Corporation of Madras / the Landholders' Association / the Chamber of Commerce, Madras, / the United Planters' Association, Southern India / the Trades Association, Madras, / the Eurasian and Anglo-Indian Association } your opinion on the questions raised in the memorandum.

True Extract.

H. BRADLEY,
Ag. Chief Secretary.

To the Board of Revenue (Land Revenue).
" all Collectors.
" the Resident in Travancore and Cochin.
Gazette.
Editors' Table.

G. C. B. P., Simla.—No. C.-86 H. D.—26-8-08.—1,000.—H. AW

Memorandum referred to in the Order of the Government of Madras, no. 886-Public, dated the 22nd November 1907.

MEMORANDUM.

I.—Imperial and Provincial Advisory Councils.

1. Assuming that the establishment of Imperial and Provincial Advisory Councils of the kind described in paragraphs 4 to 7 of the letter from the Government of India is likely to be a valuable means of eliciting opinion on measures which the Government have in contemplation, as well as of diffusing correct information as to the acts, intentions and objects of Government, suggestions are invited as to the constitution of the Councils and as to the work which may be devolved upon them.

2. The constitution and functions of the proposed Provincial Advisory Council are discussed in paragraph 6 of the letter from the Government of India. The Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25. Suggestions are invited as to its constitution.

II.—Imperial Legislative Council.

3. An expression of opinion is invited on the proposals of the Government of India in paragraphs 12 to 14 of their letter regarding the constitution of the Imperial Legislative council.

III.—Provincial Legislative Council.

4. *Present constitution of the Council.*—Under the Indian Councils Act, 1892, section 1, sub-section (1), the number of Additional Members of Council nominated by the Governor of the Presidency of Fort St. George "shall (besides the Advocate-General of the Presidency or officer acting in that capacity) be such as to the Governor may seem from time to time expedient, but shall not be less than eight or more than twenty."

5. The regulations made by the Governor-General in Council, with the approval of the Secretary of State, under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council shall be made by the Governor of Madras for his assistance in making Laws and Regulations and the notification issued by the Government of Madras with reference to rule II of the said regulations are as follows :—

Regulation under section 1 (4) of the Indian Councils Act, 1892, for Madras.

I. Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated Additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more then nine shall be officials.

II. The nominations to seven seats shall be made by the Governor on the recommendation of the following bodies and associations respectively, namely,—

A.—The corporation of Madras ;

B.—Such Municipal Corporations or group or groups or Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette ;*

C.—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid ;

D.—Such association or associations of merchants, manufactures or tradesmen as the Governor in Council may from time to time prescribe as aforesaid ;

E.—The Senate of the University of Madras :

Provided that the bodies described above under A, B, C, D and E, respectively, shall each (except as hereinafter provided in rule VII) have at least one person nominated upon its recommendation, and A, D and E not more than one each.

III. The Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of different classes of the community ; provided that one seat shall ordinarily be held by a zamindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

IV. When a vacancy occurs or at any time within three months of the date when a vacancy will occur in the ordinary course of events and is to be filled under rule II of these regulations, the Governor shall cause the proper body or group of bodies or association or associations to be requested to recommend a person for nomination by the Governor.

V. The recommendation shall be made—

(*a*) in the case of a Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or article of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representative to be appointed, according to such scale as the Governor in Council may from time to time prescribe, by the Corporations, Boards, or Associations.

VI. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

Explanation.—A person is not "resident" within the meaning of this rule unless he has a place of residence in the locality concerned and such practical connection with that locality as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this rule, the question shall be referred to and decided by the Local Government, whose decision shall be final.

VII If within three months after receiving the request of the Governor as provided by rule IV the body or association or group or bodies or associations fails to make a recommendation, the Governor may nominate at his discretion a person belonging to the class which the body or association or group is deemed to represent.

VIII. If the Governor shall decline to nominate any person who has been, under these regulations, recommended for nomination, a fresh request shall be issued as provided in rule IV and the procedure laid down in rules V and VII shall apply.

IX. (*a*) As soon as conveniently may be after these regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in rule II, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

Notification.

The Governor in Council is pleased, with reference to rule II of the rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards and of the following Association of Merchants :—

(i) The Municipal Councils situated in the districts of Ganjàm, Vizagapatam, Godavri, Guntur Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinneveily. Nilgiris, Malabar and South Canara.

(iii) The District Boards of Ganjam, Vizagapatm, Koraput, Godavari, Guntur, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chinglepnt.

(iv) The District Boards of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(v) The Chamber of Commerce, Madras.

6. In paragraphs 17 and 20 to 22 of the letter from the Government of India, suggestions are made regarding the enlargement and reorganization of Provincial Legislative Councils.

Remarks are invited on the following scheme which has been suggested as suitable to the Madras Presidency :—

Scheme.

(a) It is suggested that, having regard to the fact that the number of official members must have a preponderance, the number of non-officials shall be 17, to be appointed on the following lines :—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of University	1
(*d*) Selected by barristers, Advocates, vakils or certificated pleaders...	1
(*e*) Selected by zamindars, proprietors of permanently-settled estates, janmis of Malabar, inamdars of wholly alienated villages and landowners [not being members of class (*d*)]	2
(*f*) Selected by citizens of Madras [not being members of class (*d*) or (*e*)]	1
(*g*) Selected by Brahmans	1
(*h*) Selected by Muhammadans	1
(*i*) Selected by Christians	1
(*j*) Selected by all other persons	6
Total ...	17

(b) Those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of classes (*d*), (*e*) or (*f*), that is to say, no person who is qualified to vote or be a candidate for selection in class (*d*) should vote or be a candidate for selection in any of the classes other than (*b*), (*c*), (*d*), or similarly no person qualified to vote or be a candidate for selection in class (*e*) should vote or be a candidate for selection in any classes other than (*b*), (*c*) or (*e*) and so on.

(c) The following *general conditions* are suggested in the application of the scheme :—

(1) That no person shall have more than one vote.

(2) That no person will be qualified to vote unless he is a male and has completed twenty-one years of age.

(3) That no person shall be qualified to be a candidate for selection by a body, class or caste, unless he is qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate.

(4) That a nominated or selected member of the Legislative Council shall ordinarily hold office for five years from the date on which his appointment is notified in the *St. George Gazette*, but His Excellency the Governor may declare that any member has vacated his seat—

(*a*) if he fails to attend any meeting of the Council for one year ;

(*b*) if he leaves the Presidency with intent to be absent from it for a period of six months.

(5) That if one member of a Hindu joint family has a vote under any class, no other member of the same joint family shall have a vote under class (*e*), (*g*) or (*j*) with respect to the same joint family property or any share of it.

(6) That no person shall be qualified to vote for the representative of his class or caste within a specified area unless he has a residence within that area at which he resides ordinarily more than six months in a year.

(7) That no person in the service of the Crown shall be eligible for selection.

(8) That a person shall be disqualified for selection if

(*a*) he has been at any time sentenced by any Court to transportation or imprisonment for a non-bailable offence, such sentence not having been subsequently reversed or quashed ; or

(*b*) at the date of selection he is an uncertificated bankrupt or an undischarged insolvent.

(d) The following *special conditions* are also suggested :—

(i) In regard to the selection from the class (*d*) barristers, etc., that no person shall be registered under this class he pays income-tax on an income of not less than Rs. 5,000.

(ii) In regard to the selection from the zamindari class (*e*) above that no person shall be registered under this class unless he pays peshkash or land revenue to Government amounting to Rs. 20,000 or pays land cess to local board calculated on an annual rent value of Rs. 50,000; land revenue here including water-rate paid for the irrigation of the land. Further, that for this class one representative shall be selected for the Northern districts of the Presidency and another for the Southern districts, the division being made so that the value of the vote may as nearly as possible be equal.

(iii) In regard to the selection by class (*f*), citizens of the Madras, that no person shall be registered as a voter, unless—

(1) he resides ordinarily for more than six months in a year in the city of Madras, and

(2) he has paid during the preceding year—

income-tax on an income of not less than Rs. 5,000, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 5,000.

(iv) In regard to selection by classes (*g*), (*h*), (*i*), (*j*) above, *viz.*, Muhammadans, Brahmans, etc., that no person shall be registered as a voter, unless—

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000, or

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land, on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000: for the purpose of this rule, the shares of the several pattadars in a joint patta being regarded as equal to the joint property of a joint Hindu family being regarded as the property of the managing member of the family; or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

(v) As regards selection by all others under class (*j*) above, that the Presidency should be divided into local areas, the limits of which march with the boundaries of districts, so that all votes in that class may have the same value as near as may be.

(e) As an alternative in the case of the representation of classes (*g*), (*h*) and (*i*), it is suggested that if the selection of one Brahman, one Muhammadan and one Christian for the whole Presidency presents objections on account of the difficuity in arranging for voting over so wide an area, power may be taken for the nomination by the Governor of three more than is proposed under class (*a*) raising nominations by the Governor to 5 in all, of whom one must be a Brahman, one a Muhammadan and one a Christian.

(*f*) No provision has been made for literate classifications as a qualification for voting, the property qualification having been made a high one. It is a question whether literate qualifications should be insisted upon.

IV.—Election of Members of Local Boards.

7. It may prove that the electorate formed for selecting members of the Legislative Council would be suitable for electing members of District and Taluk Boards, but this question may, perhaps, better be considered after the above proposals have been discussed. The electorare thus formed may possibly be found suitable as the basis of an electorate for the election of members to District and Taluk Boards, though probably in determining the qualifications for the latter it would be necessary to lower the property qualifications. Also, in regard to both District and Taluk Boards, it may prove desirable to make provision for literate as well as property qualifications (*e.g.*, all B.As. having a vote, also all Honorary Magistrates). It may, moreover, prove necessary to vary the property qualifications in various districts and to make provision for the representation of certain classes in certain districts and for the representation of important minorities.

Enclosure No. III.

Extract from the Proceedings of the Government of Bombay, General Department, no. 6633, dated Bombay Castle, the 31st October 1907.

READ—

Telegram from the Government of India, Home Department (Public), no. 2331, dated the 26th August 1907 :—

"A letter regarding the enlargement of Legislative Councils and connected question is being despatched to local Governments to-day, and it will be laid before Parliament and published here this evening."

Letter* from the Government of India, Home Department (Public), No. 2311, dated the 24th August 1907, referred to in the foregoing telegram.

RESOLUTION.—Copies of the letter* from the Government of India should be forwarded to the Commissioner in Sind and the Commissioners of Divisions for consideration.

2. The Commissioners, N., C. and S. Divisions, should meet in the first week of January and consider these proposals, submitting a joint report to Government. Their report as well as that of the Commissioner in Sind must be in the hands of Government by January 15th, 1908. These officers as well as the Commissioner in Sind should obtain and forward with their report the opinions and suggestions of the leading Native gentlemen of the various communities, influential land-holders and other persons, as well as of the local bodies, within their repective Divisions, qualified to express a useful opinion on the subject. The reports of Collectors should be forwarded to Government with the opinion of the Commissioners.

3. His Excellency the Governor in Council invites the fullest discussion of the proposals by all gentlemen, officials or non-officials, or public bodies, interested, and desires to make it known that any representations on the subject received by December 15th, 1907, will be carefully considered. These may be addressed either to the Secretary to Government, General Department, or to the Commissioner of the Division in which the writer resides.

4. Separate action will be taken to elicit the views of Native States.

5. This Resolution should be placed on the Editor's Tables.

R. E. ENTHOVEN,

Acting Secretary to Government.

To

The Political Department
[with an extract from the minute by the Honourable Sir Steyning W. Edgerley).
All other Departments of the Secretariat.
The Commissioner in Sind.
The Commissioner, N. D.
The Commissioner, C. D.
The Commissioner, S. D.
All Collectors, including the Collectors and Deputy Commissioners in Sind.
The Collector of Bombay.
The Commissioner of Police, Bombay.
The Municipal Commissioner for the City of Bombay.
The Accountant General.
The Private Secretary to His Excellency the Governor.
The Registrar, Bombay University.
The Secretary, Chamber of Commerce, Bombay.
The Secretary, Chamber of Commerce, Karachi.
All Members of the Legislative Council.
The Presidents of the City Municipalities of Ahmedabad, Broach, Surat, Belgaum, Dharwar, Hubli, Sholapur, Ahmednagar, Nasik, Poona, Karachi, Hyderabad, Shikarpur and Sukkur.

} By letter no. 6534, dated the 31st October 1907.

The Editors' Table, Bombay.
The Editors' Table, Poona.
The Editors' Table, Dharwar.
The Editors' Table, Belgaum.
The Editors' Table, Karachi.

* Appended to this Resolution.

G. C. B. P., Simla.—No. C.-86 H. D.—26-8-08.—1,000.—H. A. W.

Enclosure No. IV.

Nos. 1898-1903-A. D.

Copy * forwarded to the Commissioner of _____ for report not later than the 1st of November. The questions raised in the Government of India letter will be discussed at the Commissioners' Conference.

Government of India, Home Department, letter no. 2312, dated 24th August 1907.

By order, etc.,

APPOINTMENT DEPARTMENT; *Darjeeling, 14th September 1907.*

(Sd.) E. A. GAIT,
Chief Secy. to the Govt. of Bengal.

G. C. B. P., Simla.—No. C.-86 H. D.—24-8-08—1,000.—E. A. D'S.

*Government of India, Home Department, letter no. 2312, dated 24th August 1907.
1. Raja Peary Mohan Mukerji, C.S.I.
2. The Nawab Bahadur of Murshidabad.
3. Nawab Abdur Rahman.
4. Nawab Saiyid Amir Husain Bahadur, C.I.E.
5. Honourable Babu Bhupendara Nath Basu M. A. B. L.
6. Honourable Dr. Ashutosh Mukerji.

Copy * forwarded to (the gentlemen noted on the margin) with the request that he will favour the Lieutenant-Governor with an expression of his views on the subject not later than the 1st of November next.

By order, etc.,

APPOINTMENT DEPARTMENT;
Darjeeling, the 14th September 1907.

(Sd.) E. A. GAIT,
Chief Secy. to the Govt. of Bengal.

G. C. B. P., Simla.—No. C. 86 H. D.—24-8-08—1,000.—E. A. D'S.

Nos. 1976-1985-A.D.

GOVERNMENT OF BENGAL.

Appointment Department.

FROM

E. A. GAIT, Esq., C.I.E.,

Chief Secretary to the Government of Bengal,

To

THE SECRETARY TO THE

1. BRITISH INDIAN ASSOCIATION.
2. IMPERIAL ANGLO-INDIAN ASSOCIATION.
3. BIHAR LANDHOLDERS' ASSOCIATION.
4. INDIGO PLANTERS' ASSOCIATION.
5. BHAGALPUR LANDHOLDERS' ASSOCIATION.
6. ORISSA ASSOCIATION.
7. BENGAL CHAMBER OF COMMERCE.
8. BENGAL NATIONAL CHAMBER OF COMMERCE.
9. BENGAL LANDHOLDERS' ASSOCIATION.
10. NATIONAL MUHAMMADAN ASSOCIATION.

Darjeeling, the 18th September 1908.

SIR,

In forwarding the accompanying copy of a letter from the Government of India, no. 2312, dated the 24th August 1907, regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, I am directed by the Lieutenant-Governor to request that you will be so good as to lay the matter before the_____ and to favour His Honour with an expression of their views in regard to it.

2. I am to add that a reply should be sent not later than the 1st November next.

I have, etc.,

(Sd.) E. A. GAIT,

Chief Secretary to the Government of Bengal.

G. C. B. P., Simla.—No. C. 86 H. D.—26-8-08,—1,000—H. A. W.

Enclosure No. V.

No. $\frac{1514}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—(1) The Registrar of the Allahabad University, Allahabad.
(2) The Secretary to the Upper India Chamber of Commerce, Cawnpore.
(3) The HONOURABLE MR. ALEXANDER MCROBERT, Cawnpore, Member of the United Provinces Legislative Council.

I am desired to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that $\frac{\text{(1) the Allahabad University}}{\text{(2) the Chamber of Commerce}}$ / $\frac{\text{(3) you}}{}$ will favour the Government with $\frac{\text{(1) and (2) its}}{\text{(3) your}}$ views on the proposal. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly ; two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what $\frac{\text{(1) the Allahabad University}}{\text{(2) the Chamber of Commerce}}$ / $\frac{\text{(3) you}}{}$ consider the qualifications should be for (*a*) the electorate and (*b*) candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction ;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if (1) the Allahabad University / (2) the Chamber of Commerce / (3) you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and proprietary qualification from representatives of municipal boards on that Council.

No. 1515 / III—416 of 1907, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—(1) The HONOURABLE RAI SRI RAM BAHADUR, M.A., B.L., C.I.E., Lucknow, (2) The HONOURABLE RAJA PARTAB BAHADUR SINGH, C.I.E., Talukdar of Kila Partabgarh, Partabgarh, } Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that you will favour the Government with your views on the proposals. I am to request that a reply to this letter may be received by this Government not later that the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly: two of these towns each to have a representative for a term of two years.

Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what you consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner, on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*c*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representatives of the landholders in these provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for your views on this suggestion. I am also to enquire what proposals you have to make as to qualifications for the candidate to be nominated as the representative of the landholders on the Provincial Legislative Council.

No. $\frac{1516}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—
- (1) The Secretary to the Landholders' Association for the Province of Agra, Allahabad,
- (2) The HONOURABLE RAI NIHAL CHAND, Bahadur, Muzaffarnagar,
- (3) The HONOURABLE PANDIT MADAN MOHAN MALAVIYA, B.A., L.L.B., Allahabad,
- (4) The HONOURABLE RAI SUNDAR LAL, Bahadur, B.A., C.I.E., Allahabad,
- (5) The HONOURABLE MUNSHI MADHO LAL, Benares,

} Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310–17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907, relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that $\frac{\text{(1) the Landholders' Association}}{\text{(2) to (5) you}}$ will favour the Government

with (1) their / (2) to (5) your views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the member of official numbers of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly; two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to inquire what (1) the Landholders' Association / (2) to (5) you consider the qualifications should be for (*a*) the electorate and (*b*) the seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age, and residing or owning landed property or carrying on trade or business in the tahsil selected by the District Magistrate, on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner, and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if (1) the Landholders' Association / (2) to (5) you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial

Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representative of the landholders of these provinces on the Imperial Legislative Council should be taken alternatively from Agra and Oudh. I am to enquire what $\frac{\text{(1) the Lardholder's Association}}{\text{(2) to (5) you}}$ consider would be a suitable electorate to elect the representative of the landholders of the province of Agra. Possibly a condition that the elector should pay land revenue not less than Rs. 10,000 annually would be appropriate. I am also to ask if $\frac{\text{(1) the Landholders' Association}}{\text{(2) to (5) you}}$ think that any qualifications for a candidate for a seat in the Provincial Legislative Council as a representative of the landholders of Agra should be prescribed.

No. $\frac{1517}{\text{III—416 of 1907}}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—The President, British Indian Association of Oudh, Lucknow.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that the British Indian Association of Oudh will favour the Government with their views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly: two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what the British Indian Association of Oudh consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if the British Indian Association of Oudh are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the board or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representative of the landholders of these provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for the views of the Association on this suggestion. I am also to enquire what proposals the Association have to make as to qualifications for the candidate to be nominated by the Association as the representative of the Oudh landholders on the Provincial Legislative Council.

No. $\frac{1518}{111-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To { (1) The Secretary to the Trustees of the Muhammadan Anglo-Oriental College, Aligarh.
(2) The HONOURABLE RAJA MUHAMMAD ALI MUHAMMAD KHAN, Khan Bahadur, Taluqdar of Mahmudabad, Sitapur,
(3) The HONOURABLE NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN, K.C.I.E., C.S.I., of Pahasu, Bulandshahr, } Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that $\frac{\text{(1) the Trustees of the Muhammadan Anglo-Oriental College}}{\text{(2) and (3) you}}$ will favour the Government with $\frac{\text{(1) their}}{\text{(2) and (3) your}}$ views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allababad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six muncipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly : two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what (1) the Trustees of the Muhammadan Anglo-Oriental College (2) and (3) you consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction ;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if (1) the Trustees of the Muhammadan Anglo-Oriental College (2) and (3) you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and a proprietary qualification from representatives of muncipal boards on that Council.

5. In paragraph 18 of the Government of India's letter it is suggested that the two seats for Muhammadans in the Governor-General's Council should be filled by election from certain provinces in rotation. If an electorate be consti-

tuted on the lines proposed by the members of the Muhammadan deputation referred to in that paragraph, the numbers for the United Provinces would be approximately—

(*a*) Muhammadan non-official members of the Provincial Legislative Council, say	5
(*b*) Muhammadan fellows of the Allahabad University ...	20
(*c*) Muhammadans paying land revenue of Rs. 25,000 or over, say ...	31
(*d*) Muhammadans paying income-tax on Rs. 25,000 or over, say ...	28
Total ...	84

Accurate figures under (*c*) are being obtained, but are not at present available: and the number is probably smaller than that given.

If a limit of Rs. 10,000 land revenue be taken and a corresponding figure for income taxpayers, the electorate would probably be about 200 in number.

6. For the Provincial Legislative Council the Lieutenant-Governor is inclined to set aside four seats for Muhammadans—two to be filled by election and two by nomination. For the purposes of election one member might be elected from the four northern and western divisions of the province, *viz.*, Meerut, Agra, Rohilkhand, Kumaun, and the other from Oudh and the three eastern divisions of Agra, *viz.*, Allahabad, Benares, and Gorakhpur. Suggestions for a special Muhammadan electorate are contained in paragraph 17 of the letter of the Government of India. A suitable Muhammadan electorate for the United Provinces might perhaps consist of—

(*a*) Muhammadan fellows of the Allahabad University, say ...	20
(*b*) Muhammadan registered graduates of the Allahabad University of more than five years' standing	
(*c*) Muhammadans paying land revenue of Rs. 5,000 or over, say ... (This limit is probably low enough to embrace the great body of substantial landholders.)	375
(*d*) Muhammadans paying income-tax on Rs. 5,000 or over, say ...	260

Accurate figures have still to be obtained, and the electorate determined according to these lines would probably not exceed 450 or 500 in number, or 225 and 250 for each of the two portions into which the provinces would be divided.

I am to request that $\frac{\text{(1) the opinion of the Trustees}}{\text{(2) and (3) your opinion}}$ may be furnished as to the constitution of the electorate for the elected Muhmmadan members of the Imperial and Provincial Legislative Councils, and the other matters discussed in this and the preceding paragraph of this letter.

7. The Lieutenant-Governor is inclined to think that in present circumstances the representatives of the landholders in these Provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for $\frac{\text{(1) the views of the Trustees}}{\text{(2) and (3) your views}}$ on this suggestion and what $\frac{\text{(1) they}}{\text{(2) and (3) you}}$ consider would be a suitable electorate to elect the representative of the landholders of the province of Agra. I am also to enquire what proposals $\frac{\text{(1) the Trustees}}{\text{(2) and (3) you}}$ have to make as to qualifications for the candidates to be nominated as the representative of the landholders on the Provincial Legislative Council.

No. $\frac{1519}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—{ The HONOURABLE MR. A. R. SUTHERLAND.
The HONOURABLE MR. A. W. CRUICKSHANK, C.S.I.
The HONOURABLE COLONEL R. D. MURRAY, M.B., I.M.S.
The HONOURABLE M. D. C. BAILLIE.
The HONOURABLE MR. B. LINDSAY.

I am directed to forward a copy of the letter from the Government of India, Home Department, no. 2310—2317, dated the 24th August 1907, and of

my letters to certain gentlemen and public bodies in this province, and to request that you will submit your opinion to the Government on the proposals made in the Government of India's letter, and in my letters, not later than 1st January 1908.

No. $\frac{1520}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The HONOURABLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces,

To—The Commissioners of Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow, and Fyzabad Divisions.

I am directed to forward a copy of the letter from the Government of India, Home Department, no. 2310—2317, dated the 24th August 1907, and of my letters to certain gentlemen and public bodies in this province, and to request that you will, after consulting such district officers as you think fit, submit your opinion to the Government on the proposals made in the Government of India's letter, and in my letters, not later than 1st January 1908.

No. $\frac{1560}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 10th October 1907.

From—The Chief Secretary to the Government of the United Provinces,

To—The Commissioner and Agent to the Governor General for Benares.

I am directed to forward a copy of the letter of the Government of India, no. 2310—2317, dated the 24th August 1907, on the subject of the Imperial and Provincial Advisory Councils and other matters, and to request that you will obtain and submit for the information of Government the opinion of His Highness the Maharaja of Benares on the subject of these Councils as well as any other matter dealt with in the letter regarding which he may desire to express an opinion.

No. $\frac{1571}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 12th October 1907.

From—The Chief Secretary to the Government of the United Provinces,

To—
(1) The HONOURABLE RAI SRI RAM BAHADUR, C.I.E., Lucknow.
(2) The HONOURABLE RAJA PARTAB BAHADUR SINGH, C.I.E., Talukdar of Kila Partabgarh, Partábgarh.

In continuation of my letter no. 1515, dated the 7th October 1907, I am directed to enquire what you consider would be a suitable electorate to elect the representative of the landholders of the province of Agra Possibly a condition that the elector should pay land revenue not less than Rs. 10,000 annually would be appropriate. As stated in my letter to the President of the British Indian Association of Oudh, the representative of the Oudh landholders in the Provincial Legislative Council would be nominated by the Association.

I am to ask if you think that any qualifications for a candidate for a seat in the Provincial Legislative Council as a representative either of the landholders of Agra or of Oudh should be prescribed.

G. C. B. P., Simla.—No. C. 86-H. D.—26-8-08.—1030.—H. A. W.

Enclosure No. VI.

No. 2643-S. (Home—Legislative), dated Simla, the 27th September 1907.

From—The Honourable Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab,

To—All Commissioners of Divisions in the Punjab.

I am directed to forward a copy of a letter no. 2310—2317, dated the 24th of August 1907, from the Secretary to the Government of India in the Home Department, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I am to request that you will be good enough to forward your opinion on these proposals to the local Government by the 1st of December next, after having consulted the Deputy Commissioners of your division and other selected officers whose opinion you think would be of value and also such individuals or bodies in each district as may be taken as representatives of the various classes of the native community. Translations into Urdu of this letter and its enclosure will shortly appear in the Government Gazette, and copies can be obtained on application to the Superintendent, Punjab Government Press, Lahore.

2. It will be convenient if in replying to this letter you would be good enough to put your opinion in the form of answers to the series of questions which form an enclosure to this letter, and it is requested that the persons consulted by you should in the same way put forward their opinions in this form. This suggestion only applies to the arrangement of the subject-matter of the opinions, and is in no way intended to prevent the fullest discussion of the points which emerge from the Government of India letter.

3. With reference to the proposals made in paragraphs 4 to 5 of the Government of India letter regarding the constitution of an *Imperial Advisory Council* the Lieutenant-Governor has no special remarks at this stage to communicate.

4. The *Provincial Advisory Councils* are discussed in paragraphs 6 and 7 of the Government of India letter. If such a Council is to be constituted for the Punjab, it might perhaps consist of a nominated Council of some 20 members, of whom perhaps six or seven, including one or two Ruling Chiefs, would be members of the Imperial Advisory Council and the rest would be nominated (but not necessarily in any fixed proportion) to represent the landed and other interests mentioned in the Government of India letter.

5. With reference to the proposed enlargement of the *Imperial Legislative Council* (paragraphs 11 to 19 of the Government of India letter), it may be useful for you and the gentlemen whom you may consult to read the following description of the constitution of the present Imperial Legislative Council as described in volume IV, chapter V, of the new Imperial Gazetteer :—

"The Executive Council of the Governor-General at present (1906) consists—besides the Governor-General himself and the Commander-in-Chief, who is usually appointed by the Secretary of State to be an Extraordinary Member—of six Ordinary Members, of whom one must be an English or Irish Barrister or Scottish Advocate of not less than five years' standing. For the purposes of legislation, it is provided by the Indian Councils Acts of 1861 and 1892 that the Governor-General shall summon as an Additional Member the Lieutenant-Governor or Chief Commissioner of the Province in which the Council is assembled, and shall also nominate such other persons, not less than ten nor more than sixteen, as he may think fit. Of these Additional Members, who are appointed for two years at a time, one-half at least must be non-officials ;* and, in order to give the Council an elective as well as a representative character, statutory rules now require the nominations to five seats to be made on the recommendation of the Calcutta Chamber of Commerce, and the non-official members of the local Legislative Councils at Madras, Bombay, Calcutta and Allahabad. The remaining seats may be filled in such manner as appears to the Governor-General most suitable, regard being had to the business in hand and the different classes of the community to be represented . . . ."

* Under the existing statutory rules not more than six of the nominated Additional Members may be officials.

The maximum number of members therefore is at present 24 excluding the Viceroy, and it is now proposed to raise this figure to 53 in the manner outlined in paragraph 12 of the Government of India letter, the number of

elected members being at the same time raised from 5 to 18. In dealing with the constitution of the proposed Council the chief points for consideration are—

(1) The general representation of classes and interests which the composition of the Council affords.

(2) The method of election by the Provincial Councils (paragraph 13 of the Government of India letter).

(3) The method of selection from the great landowners of this province to one seat on the Imperial Council (paragraphs 14 and 15).

(4) The method of selection from the Muhammadans of this province to Muhammadan seats on the Imperial and Provincial Councils (paragraphs 16 to 18).

As regards the third of these questions, it may be noted that from enquiries made in May last it was ascertained that there were in this province 52 landowners paying a land revenue of Rs. 5,000 and over, distributed as follows :—

Class.		*Hindus.*	*Muhammadans.*	*Christians.*	*Total.*
	Rs. Rs.				
I.—Paying land revenue...	5,000 to 10,000	13	22	7	42
II.— „ „ „ ...	10,000 „ 15,000	3	2	...	5
III.— „ „ „ ...	15,000 „ 20,000	...	1	...	1
IV.— „ „ „ ...	20,000 „ 25,000	...	...	1	1
V.— „ „ „ ...	25,000 „ 50,000	2	1	...	3
		18	26	8	52

As regards the fourth question, enquiries have been instituted with a view to obtaining statistics of the classes of possible Muhammadan electors referred to in paragraph 18 of the Government of India letter, and these will be forwarded when obtained. It will be noticed that paragraph 17 refers to election for the *Provincial* Council only : see also paragraph 8 of this letter. In discussing the constitution of a special Muhammadan electorate the question whether its members should or should not be allowed to vote in the open elections also must be considered.

6. As regards the *Provincial Legislative Councils*, which form the subject of paragraphs 17 and 20 to 22 of the Government of India letter, the general system now in force in India is described as follows in the Gazetteer :—

"The subordinate Legislative Councils are constituted on the same lines generally as the superior legislature of the Governor-General. In Madras and Bombay the Governor is assisted by an Executive Council of two Ordinary Members and these three form the nucleus of the larger Legislative Council ; but in each of the other provinces the Lieutenant-Governor stands alone at the head of the local administration. The Acts of 1861 and 1892 provide that the Governor or Lieutenant-Governor, as the case may be, shall nominate as members, for two years at a time, the Advocate-General of the province or other officer acting in that capacity, and—subject, save in Madras and Bombay, to the sanction of the Governor-General—such other persons, not less than eight nor more than twenty,* as he may think expedient, at least one-half being non-officials. In Madras, Bombay, Bengal, and the United Provinces some of these members are appointed on the recommendation of groups of municipalities and district boards, Universities, Chambers of Commerce and the like, and the elective principle is thus to some extent recognised.

* These are the maximum and minimum numbers fixed by the statute for Madras and Bombay. As regards the other provinces, the statute fixes a maximum of 20 for Bengal and 15 for the United Provinces, but otherwise leaves the numberst to be determined by the Governor-General.

The Government of India in their letter now forwarded have chiefly in view the case of provinces where a Legislative Council is of some standing and a certain number of its members are elected. In the Punjab a Legislative Council was first constituted in 1897, and it consists of not more than nine members in addition to the Lieutenant-Governor. The members are all nominated and at least one-third of them must be non-officials.

7. In considering the future constitution of the Punjab Council, the necessity of maintaining an official majority, and the limitation which this necessity imposes upon the total number (paragraph 10 of Government of India letter) must be borne in mind.

8. It is for consideration whether the province is as yet sufficiently advanced for the introduction of a system of election for the Legislative Council. The results of the present system of nomination have been that on an average the Council has contained five non-official members, of whom one has been a Hindu, one a Sikh, two Muhammadans and one a Christian. Of 19 such members appointed since the Council was initiated, five have been Ruling Princes or their near relatives, five have been landowners, five have been distinguished officials of Native States or retired officials of Government, three were lawyers and one was a banker. In considering how far the Council as thus constituted has been representative of the different classes of the people and in what manner representation should be insured if the system of appointment is altered, it may be convenient to have before you the statistics of the last census, which show that the percentage of the agricultural to the total population in the British districts of the province is 54 per cent., the Government officials, etc., constitute 1·8 per cent., the landholders and tenants 52 per cent., the landholders alone 34 per cent., the commercial classes 5 per cent., the literate population 3·8 per cent., those literate in English ·4 per cent., the population of the towns 1·1 per cent., the Hindus 38·8 per cent., Sikhs 7·5 per cent., and Muhammadans 53·3 per cent. At the same time, too much importance must not be attached to the statistics, as the interests represented by a given class are often important out of all proportion to its mere numerical weight. It has in this connection been suggested that even if the present system of nomination is otherwise maintained, the Senate of the University might be asked to elect one member for the Council, and there are of course advantages in this method of receiving a representative of the educated classes, but there is, on the other hand, a certain inconvenience attending the introduction of a political element into a body, which is constituted for purely educational objects The Lieutenant-Governor would be glad if this suggestion would be considered.

As regards the possible constitution of a Muhammadan electorate for the selection of special Muhammadan members such as is suggested in paragraph 17 of the Government of India letter, I am to say that statistics relating to the classes of electors suggested in that paragraph have been called for and will be forwarded on receipt (see also the end of paragraph 5 above).

9. As regards the proposed discussion of the Budget in the Legislative Council, it will be observed that the system of discussion of the Provincial Budget has not yet been introduced into the Punjab Provincial Council; but it is possible to introduce the system without difficulty if its result are thought likely to be useful. Should the Provincial Budget be brought before the Council in the near future, it may be that, for some time at least, a general debate on the whole Budget would suffice for its proper discussion, but the Lieutenant-Governor would be glad to have opinions on this point, as well as on the advisability of permitting discussion.

10. The Lieutenant-Governor is sure that the officers consulted will recognize the very great importance of the questions now referred to them for opinion, and will give them their best consideration. It is especially desirable that the opinions of natives of all classes should be represented. The number of associations or individuals from whom formal written opinions will be obtained must necessarily be limited; but opportunity should be freely taken to discuss the matter verbally with as many as possible of all classes who are capable of forming an intelligent opinion upon it, and the general trend of the opinions thus elicited should be reported to Government. The officers consulted should give their opinions upon each of the questions referred to them. For instance, an officer who does not think that election should be allowed, should nevertheless give his opinion, as to the best method of election, if that system is decided upon. In the Government of India letter the separate representation of Muhammadans only is considered; and the questions attached to this letter follow

it. But in the Punjab Sikh community also is of the greatest importance ; and it should be considered whether any, and what, measures are necessary to ensure its adequate representation.

Questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I.—(1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties ?

II.—(2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties ?

III.—(3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter ?

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter ?

(5) Do you approve of the selection of one of the great landowners of this province to the Imperial Council, and if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected ? If by direct election, what should be the electorate ?

(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council, 2 by election and 2 at least by nomination as suggested under heads D (*d*) and E of paragraph 12 of the letter ? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter ?

IV.—(7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members and if so, to what figure ?

(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election ?

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class [paragraph 22 (*a*) of the Government of India letter], and if so, what classes do you consider should be represented and in what proportions ?

(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards ? If so, on what system would the election be made ? If not, what electorates would you suggest.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner ?

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose ?

V.—(13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

G. C. B. P., Simla.—No. C.-86 H. D.—26-8-08.—1,030.—H. A. W.

Enclosure No. VII.

From the Honourable W. F. RICE, I.C.S., Chief Secretary to the Government of Burma, to (1) the Chairman, Burma Chamber of Commerce; (2) the Chairman, Rangoon Trades Association; (3) the President, Rangoon Municipal Committee; (4) the Chairman, Rangoon Port Commissioners; (5) the Financial Commissioner; (6) the Commissioner, Pegu Division; (7) the Commissioner, Mandalay Division; (8) the Commissioner, Magwe Division; (9) the Commissioner, Arakan Division; (10) the Commissioner, Irrawaddy Division; (11) the Superintendent and Political Officer, Southern Shan States; (12) the Honourable W. R. STIKEMAN; (13) the Honourable S. ROBERTS; (14) the Honourable MAUNG BA TU, K.S.M.,—No. 429—1L.-18, dated the 16th October 1907.

I am directed to forward a copy of a letter no. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils. The measures which are brought under discussion are of much importance, and the Lieutenant-Governor will be glad to be favoured with

the views of the { 1. Burma Chamber of Commerce / 2. Rangoon Trades Association / 3. Rangoon Municipal Committee / 4. Rangoon Port Commissioners / 5...14. your views }

with regard to them. I am to offer the following remarks on certain points which immediately concern this Province.

2. The first proposal dealt with by the Government of India relates to the establishment of Advisory Councils as a means of free and intimate consultation between Government and the community. If a Provincial Advisory Council is constituted for Burma in the manner proposed, the Lieutenant-Governor suggests that twenty would perhaps be a suitable number of Councillors to be appointed. His Honour is also disposed to think that the best plan will be for all the members of the Advisory Council to be nominated, but if any practicable scheme for the election of the Advisory Councillors can be devised, His Honour will be glad to consider it. This question, as well as the number of Advisory Councillors to be appointed, are matters on which the Lieutenant-Governor desires to

receive the advice of the { Burma Chamber of Commerce / Rangoon Traders Association / Rangoon Municipal Committee / Rangoon Port Commissioners / your advice }

3. With regard to the proposals for the enlargement of the Imperial and Provincial Legislative Councils, I am to explain that the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. Under section 45 of the Indian Councils Act, 1861, not less than one-third of the members so nominated shall be non officials. The Council, as at present constituted, consists of five official and four non-official members. No regulations have as yet been made by the Governor General in Council under section 1 of the Indian Councils Act, 1892, as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice certain of the non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners and the Municipal Committee of Rangoon. In the Legislative Councils of most other Provinces in India the annual financial statement of the Local Government is brought under discussion, and the asking of questions on matters of public interest is permitted. This is not the case at present in Burma because these privileges only arise when rules authorising them have been made under section 2 of the Indian Councils Act, 1892, and no such rules have as yet been framed for the Legislative Council of Burma. In dealing with the proposals of the Government of India with regard to the Provincial Legislative Councils, the Lieutenant-Governor will be glad to be favoured with

the advice of the { Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners / your advice }

as to whether an annual discussion of the

Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province. Another point on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} your advice is as to what increase, if any, in the membership of the Burma Legislative Council is desirable, and in what manner it can best be effected. His Honour is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of his Council. As at present advised, however, he doubts whether the elective system could usefully be introduced to any great extent. He suggests for consideration that the Burma Chamber of Commerce might suitably elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association might, in combination, elect another. The members of the Provincial Advisory Council, when constituted, might elect one or two more. Apart from these members who might be appointed by election, it would probably be necessary for the remaining non-official members of the Burma Legislative Council to be nominated as at present, and it might perhaps at the same time be laid down that not less than two of the elected members should be natives of Burma. If the number of non-official members of the Legislative Council of the Province is increased as suggested, His Honour will welcome the proposal of the Government of India that they should elect one non-official member of the Imperial Legislative Council.

4. The above are certain points on which the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} your advice is sought, but the Lieutenant-Governor hopes at the same time to receive a full expression of opinion on the proposals as a whole and on all the aspects of the subject.

I am to ask you to be so good as to submit your matured conclusions, after consulting as far as possible, representatives of all important interests in your charge.

To nos. (5)—(11) only.

The suggestions on certain points which are put forward in the foregoing paragraphs are, I am to explain, tentative and provisional only. They indicate the views which the Lieutenant-Governor is, as at present advised, disposed to hold, but they do not represent His Honour's final conclusions, and they are put forward at this stage merely in order to afford a basis of discussion.

5. As the Government of India have desired to receive a reply from the Local Government not later than the 1st March 1908, the Lieutenant-Governor will be glad to have a reply to this letter at as early a date as possible.

G. C. B. P., Simla.—No. C 86 H. D.—26-8-08—1,030.—R. W. G.

Enclosure No. VIII.

Formation of Advisory Councils and enlargement of Legislative Councils.

No. 10219-C., dated Shillong, the 10th September 1907.

RESOLUTION.

The following communication received from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets, is republished for general information.

2. In accordance with the orders of the Government of India the Lieutenant-Governor is circulating the letter to various selected Associations and persons of the Province for favour of an expression of their opinion on the points raised therein. His Honour will also accord due weight to any criticisms which other Associations or persons may desire to put forward in this connection. It is requested that such opinions may be addressed to the Chief Secretary to Government and despatched in time to reach the Secretariat before the 15th November 1907.

By order of the Lieutenant-Governor,

H. LEMESURIER,

Offg. Chief Secretary to the Government of Eastern Bengal and Assam.

No. 2316, dated Simla, the 24th August 1907.

From—SIR HAROLD STUART, K.C.V.O., C.S.I., Offg. Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of Eastern Bengal and Assam.

* * * * * * * *

G. C. B. P., Simla.—No. C86 H. D.—26-8-98.—1,300.—E. A D'S.

No. 11487-91-C., dated the 9th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—All Commissioners of Divisions.

I am directed to forward a copy of the communication noted in the margin* from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to say that the Lieutenant-Governor will be glad to be favoured with an expression of your opinion on the points raised therein, afrer a careful consideration of the important issues involved. I am to request that you will consult selected District Officers in your Division on the question.

* No. 2316 (Public), dated the 24th August 1907.

2. I am to add that the marginally † named gentlemen and public bodies and Associations in your Division have been consulted direct by Government on the subject, and that you may, if you so desire, ask Government for a copy of their reply, but that your reply to Government should not be delayed for this. You should also consult such other persons or bodies in your Division as you may consider expedient.

† See the list annexed.

3. I am to request that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

Dacca Division.

1. The Honourable Nawab Khwaja Salimulla Bahadur of Dacca, C.S.I.
2. „ Rai Sita Nath Ray Bahadur.
3. „ Khan Bahadur Saiyid Nawab Ali Chaudhuri.
4. „ Khwaja Muhammad Ashghar.
5. „ Mr. E. G. Drake-Brockman.
6. „ Eastern Bengal and Assam Landholders' Association.
7. „ Provincial Muhammadan Association.
8. Chamber of Commerce, Naraingani.
9. The District Boards of Dacca, Mymensingh and Bakarganj.
10. The Municipalities of Dacca, Narainganj, Barisal and Mymensingh.
11. The Bar Libraries of Dacca and Barisal.

Chittagong Division.

1. Mr. B. K. Mallik, I.C.S.
2. Mr. A. H. Cuming, I.C.S.
3. The Honourable Mr. Vernon Woods.
4. Chamber of Commerce, Chittagong.
5. Port Commissioners, Chittagong.
6. The District Boards of Chittagong, Tippera and Noakhali.
7. Municipality of Chittagong.

Rajshahi Division.

1. The Honourable Maharaja Girija Nath Ray Bahadur.
2. Mr. Abdul Majid.
3. The District Boards of Rangpur and Dinajpur.
4. The Municipalities of Rampur-Boalia.

5. The Dooars Branch, Indian Tea Association.
6. The Bar Library, Rajshahi.

Assam Valley Districts.

1. Mr. W. B. Brown.
2. The Assam Association.
3. Gauhati Municipality.
4. Assam Branch, Indian Tea Association.

Surma Valley and Hill Districts.

1. The Honourable Mr. R. H. Henderson, C.I.E.
2. The Honourable Rai Dulal Chandra Deb Bahadur.
3. The Honourable Mr. W. T. Cathcart.
4. The Bar Library, Sylhet.
5. The Surma Valley Branch, Indian Tea Association.

No. 11492-95-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the Bar Library, Dacca / Barisal / Sylhet / Rajshahi.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Dacca / Barisal / Sylhet / Rajshahi Bar on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

8. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11496-11500-C., dated the 10th October 1907.

From—The Chief Secretary to Government of Eastern Bengal and Assam,

To—W. B. BROWN, Esq., I.C.S., Judge, Assam Valley District; E G. BRAKEBROCKMAN, Esq., I.C.S., District and Sessions Judge, Dacca; A. H. CUMING, Esq., I.C.S., District and Sessions Judge, Tippera; B. K. MALLIK, Esq., I.C.S., District and Sessions Judge, Chittagong; ABDUL MAJID, Esq., District and Sessions Judge, Rajshahi.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of your opinion on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11501-11515-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—All Members of the Provincial Legislative Council, Eastern Bengal and Assam.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets, and to request that the Lieutenant-Governor may be favoured with an expression of your opinion on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11516-11533-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Chairmen of the District Boards of Dacca, Mymensingh, Bakargunj, Chittagong, Tippera, Noakhali, Rangpur, and Dinajpur, and to the Chairmen of the Municipalities of Dacca, Narainganj, Barisal, Mymensingh, Chittagong, Rampur-Boalia, Dinajpur, Rangpur, Jalpaiguri and Gauhati.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Commissioners / the Board on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11534-42-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the (1) Eastern Bengal and Assam Landholders' Association, Dacca; (2) Assam Association, Gauhati; (3) Provincial Muhammadan Association, Dacca; (4) Assam Branch, Indian Tea Association; (5) Surma Valley Branch, Indian Tea Association; (6) Dooars Branch, Indian Tea Association; (7) The Chamber of Commerce, Chittagong; (8) The Chamber of Commerce, Narainganj; (9) The Port Commissioners, Chittagong.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of your Association / your Chamber / the Port Commissioners on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

9. I am to ask that your reply may be despatched in time to reach the Secretariat betore the 1st December 1907.

Enclosure No. IX.

No. 1928-I-15-24, dated the 13th September 1907.

From—F. S. A. SLOCOCK, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—RAO BAHADUR R. M. MUDHOLKAR, President of the Central Provincss and Berar Provincial Conference, the Presidents of the Malguzar Sabhas, Nagpur and Jubbulpore, and the Presidents of the Anjuman Islamia, Nagpur and Jubbulpore.

I am directed to forward a copy of a letter from the Government of India, Home Department, no. 2317, dated the 24th August 1907, together with its enclosure, regarding the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets. I am to request that you will be good enough to favour the Chief Commissioner with an expression of the opinion of your Committee on the matter more especially with reference to the following points:—

(1) The formation of an Advisory Council for the Central Provinces and Berar (paragraph 6).

(2) The election of a Central Provinces and Berar member of the Viceroy's Council, the basis for qualification for vote and membership, and method of election (paragraphs 12 to 14).

2. I am to ask that a reply to this letter may be sent not later than the 15th January 1908.

No. 1929-I-15-24, dated Nagpur, the 13th September 1907.

From—F. S. A. SLOCOCK, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Commissioner, { Nagpur / Jubbulpore / Nerbudda / Chhattisgarh / Berar } Division.

I am directed to forward a copy of a letter from the Government of India, Home Department, no. 2317, dated the 24th August 1907, together with its enclosure, regarding the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and procedure to be adopted in discussing the Imperial and Provincial Budgets.

2. I am to request that you will be good enough to favour the Chief Commissioner with an expression of your opinion on the following points:—

(1) The scheme in general more especially from a Central Provinces and Berar point of view.

(2) The formation of an Advisory Council for the Central Provinces and Berar (paragraph 6).

(3) The election of Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership, and method of elections (paragraphs 12 to 14).

3. The Chief Commissioner leaves it to you to consult officers, or private persons and bodies at your discretion, but you should incorporate their opinions in your own reply, and not forward any such opinions unless they are specially noteworthy.

4. I am to request that a reply to this letter may be sent not later than the 15th January 1908.

G. C. B. P., Simla.—No. C-68 H. D.—26-8-08.—1030.—H. A. W.

Enclosure No. XI.

Letter from H. D. Taylor, Esq., I.C.S., Secretary to the Government of Madras, Local and Municipal Department, to the Secretary to the Government of India, Home Department, No. 617 L., dated Ootacamund, the 27th April, 1908.

As promised in paragraph 12 of Mr. Atkinson's letter No. 222, Public, dated the 13th March 1908, I am directed to address the Government of India regarding the suggestions made in clause (*c*) of paragraph 22 of Home Department letter No. 2310, dated the 4th August 1907.

2. The Government of India suggest that Local Governments should introduce into their systems of election and nominations for Municipal and Local Boards the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and of permitting the members of that class to select its own representatives, the seats to be filled by election being distributed among occupational groups each of which might be represented by certain castes. The literate members of these castes who possessed the necessary qualifications for voting could then elect one of their own member to represent the occupational group on the Board. As an alternative it is suggested that, without making use of the caste organization, electoral groups might be formed of the classes of landowners, cultivators, traders and professional men, each of which might have a distinct and appropriate franchise.

3. According to the figures of the last Census, out of a total population of over 38 millions in the Madras Presidency, 34 millions were Hindus, about $2\frac{1}{2}$ millions were Mussalmans and $1\frac{1}{4}$ millions were Christians, while about 640,000 were Animists. In only one district (Malabar) did the number of Mussalmans exceed 200,000 and in only eight others it exceeded 100,000. Similarly, in only three districts did Christians exceed 100,000 in number. Animists may be left out of consideration as they consist mainly of illiterate hill and jungle tribes. The Madras Government therefore consider that, while it might be possible to form an electorate in accordance with religion in certain confined areas, it would be impracticable to adopt religion as the basis of a franchise generally in the Presidency. Nor do they consider it necessary or expedient to form separate electorates out of occupational classes. His Excellency the Governor in Council is of the opinion that the scheme which is sketched out below will enable all classes to be represented on Boards to which election is desirable.

4. In the Madras Presidency the Local Bodies, the members of which might be elected, are Union Panchayats, Takul Boards, District Boards and Municipal Councils. These will be dealt with *seriatim*.

Union Panchayats.—The Madras Government consider that it is undesirable to introduce the system of election to these bodies. The benefits which might arise from its adoption would not compensate for the additional trouble involved, nor are unions of sufficient importance to render election necessary. It is also feared that, with the low standard of franchise which it would be necessary to adopt, it would be impossible to guarantee the purity of the elections, or to obtain the class of representatives who would be most fitted to serve on the Panchayat.

Taluk Boards.—Under the existing law in the Madras Presidency, it is open to the Local Government by notification to declare that two-thirds of the members of a Taluk Board may be elected, and His Excellency in Council considers that nothing more is required than that this proportion of elected members should be maintained. This Government have had for some time under consideration the introduction of a scheme which has as its basis a franchise formed on the amount of land revenue and income-tax paid. This franchise, they consider, will afford an opportunity for the representation of all classes and creeds on Taluk Boards. It will not be possible to introduce a uniform scale of franchise into all taluks owing to their varying conditions, but the standard will be fixed so as to give a fair electorate having regard to the wealth and population of the various areas under each Taluk Board. The qualifications for a candidate for election will be fixed on a scale considerably higher than that required in the case of a mere voter, and will be such as to secure that the candidate shall have such a position as will command respect. Statistics have been compiled which show that a system of election such as is sketched above will give a fair chance of representation on Taluk Boards to all classes of the community. Unrepresented minorities can be provided for by nomination. His Excellency in Council is of the opinion that the system should at present be confined to election to Taluk Boards.

District Boards.—The existing law provides for the election to District Boards by members of Taluk Boards, from among their own number, of a maximum proportion of three-fourths of the whole number of the members of the District Board. At present, except in the Local Fund districts of the Nilgiris and Koraput where no Taluk Boards exist, one-half of the members of District Boards are so elected. With the introduction of an elective system to Taluk Boards, this Government consider that no sufficient case has been shown for the present for altering the existing law so as to admit of direct election to District Boards by any specific classes of the community.

Municipal Councils.—Under the existing law it is open to the Local Government to declare what proportion of Municipal Councillors shall be appointed by election, and under the present system municipalities are with a few exceptions divided for election purposes into wards and the electors of each ward elect their own candidates. It does not appear practicable otherwise than by nomination to secure the election of representatives of religious minorities. The franchise is based on the rateable value of immovable property, the payment of profession-tax or income-tax and the receipt of pensions or salaries. Graduates are also entitled to vote. This system seems to the Madras Government adequate and no change appears necessary. They consider, however, that the qualifications required of electors and candidates are unduly low and they therefore propose to raise them so as to secure a higher standard of integrity in the elections than, it is believed, exists at present. It is understood that many gentlemen who would otherwise stand for election or whose services on Municipal Councils would be welcomed by Government, will not stoop to the artifices necessary to secure their election under the existing conditions of franchise.

Enclosure No. X.

Letter—from the Hon'ble Mr. J. N. ATKINSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Fort St. George, the 13th March 1908.

No.—222, Public.

I am directed to reply to the letter from the Government of India, Home Department, No. 2310, dated the 4th August 1907, regarding the formation of Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets.

2. The subject has aroused widespread interest in this Presidency and has been freely discussed in the public press. The Government have received directly and through district officers a very large number of communications on the subject. Conferences, formal and informal, have been held with a number of the leading and best informed men of Southern India, and in short advice and assistance have been obtained from every possible source. A selection of the communications received accompanies this letter, and a further selection will be forwarded as soon as possible. Page 23. Page 215.

3. In order to focus on specific points a discussion which seemed likely to lose value if allowed to spread over too wide a field, a memorandum was drawn up by the Madras Government, and circulated among bodies and individuals from whom they hoped to obtain valuable criticisms or suggestions. In this memorandum, of which a copy is enclosed, the eventual establishment of Advisory Councils was assumed and suggestions were invited as to the constitution alone of the Provincial Advisory Councils, while in regard to the Imperial Legislative Council the discussion was restricted to a portion only of the passages in Sir Harold Stuart's letter which referred to the proposed enlargement of the Imperial Legislative Council. In connection with the question of the enlargement of the Provincial Legislative Councils the Government of India appeared frankly to recommend the adoption of the principle of class, as opposed to territorial representation. A scheme was accordingly drawn up in which the principle of class representation was worked out rigorously, perhaps more rigorously than the Government of India contemplated, and opinions were invited on it. It must however be at once stated that some of the fundamental generalisations in Sir Harold Stuart's letter were from the first regarded by the articulate public as neither in themselves altogether acceptable, nor entirely applicable at any rate to this Presidency. It was accordingly not found possible to confine the discussion to the best methods of applying the principles laid down by the Government of India, and public opinion, as represented in both official and non-official comments, has rapidly crystallised into distinctly adverse criticism of the principles themselves which, it is urged, must be very largely modified before they could be acceptable. The Government of India describe their proposals as "tentative and provisional," and desire that the Government of Madras should submit the matured conclusions reached after consultation with important bodies and individuals. His Excellency the Governor in Council understands that it is open to him to suggest modifications which in his opinion are better adapted to the present conditions of the country. The Government of Madras have arrived at the conclusion that it is undesirable to establish Advisory Councils with the constitution, functions and procedure suggested by the Government of India, and to apply a principle of racial, caste and religious representation in the election of members of the Provincial Legislative Council. I am directed to summarise very briefly the main objections that have been urged to the proposals outlined in the Home Department letter, so far as they appear to the Madras Government to have force or to be supported by any considerable body of intelligent opinion, and to propound certain proposals for this Presidency which this Government think on the whole better adapted to its Page 211.

circumstances. These proposals took definite shape after a conference with representative South Indian gentlemen held at Government House on the 10th of last month.

4. *Advisory Councils in general.*—It appears to be the general opinion that Advisory Councils constituted as suggested by the Government of India would serve no useful purpose. The Government can now to some extent gauge public opinion and diffuse information through the non-official Members of the Legislative Councils and District Officials in respect not only of Legislative measures which may be under consideration but also of any matter affecting the administration in general. For the diffusion of information they have also the debates on the budget estimates and the replies to interpellations. The Financial Statement necessarily deals with the various branches of the Imperial or Provincial Administration as the case may be and in this Presidency the Governor has in recent years in the course of the debate on the budget estimates taken the opportunity to review the leading features of the administration during the past year and to explain the progress made in maturing or carrying out important schemes in which the public are interested. It is doubted whether the proposed Advisory Councils would be of much value as an additional means to the same ends. It appears to be considered by the public that the proposed Councils, being composed of nominated members, would be unlikely to show independence and that their opinion would consequently carry little weight. Objection has been taken in particular to the various aspects of indefiniteness considered to be presented by Councils not recognised by the law, which may be consulted or not consulted, may be consulted in a body or individually, whose conferences may be public or private, whose proceedings may be published or not published at the discretion of the Government, and it has been concluded that bodies undefined by law and with no definite powers, functions or procedure would neither command respect nor feel responsibility. It is further objected that the personal equation of the Viceroy or Governor for the time being would count for too much in the working of the Councils. It is thought that there would be a tendency on the part of the Viceroy or Governor to nominate chiefly persons holding his own views, and it is objected that it would be open to him not to summon an Advisory Council or to lay before it only matters in respect of which he could be sure of securing a vote of confidence. It is necessary to state these views as they appear to be, as far as can be ascertained, those prevailing among the educated class in Southern India.

5. *Imperial Advisory Council.*—The Governor in Council considers that an Imperial Advisory Council will be extremely difficult to establish, and that even if established, it will be extremely difficult to work. It is possible that the position which membership of the Imperial Council would confer would be so eminent and such important questions would be referred to it that the highest rank and the most brilliant intellect in India would feel honoured by selection for membership. But without some definite functions, and without regular periods of meeting, it seems doubtful whether it would be able to take any real responsibility. Doubts have been expressed as to whether ruling chiefs whose splendour, it is stated, lies in their isolation, would wish to be nominated, whether they are competent to speak on the problems of British India, and whether the expression of an opinion on an administrative question in the Imperial Council might not be found to embarrass a native chief in the administration of his own State. It has been suggested that it would be unfair to burden the subjects of native chiefs with the great expenditure that might be entailed by the attendance of the chiefs at annual or more frequent meetings. Objection has also been taken to the proposed constitution of the council. The Madras Chamber of Commerce, for instance, "regrets that no provision has been made for the representation thereon of commerce and industry", and the Raja of Venkatagiri, himself an important territorial magnate, avails himself of the "permission signified in the terms of reference to suggest as the result of a strong conviction that this council might advantageously include on its rolls, besides ruling chiefs and important landholders, men of proved and conspicuous merit and established character and experience, who will be able to render material help to the Government in deciding on questions of reform or legislation by reason of their closer touch with the people, their needs, aspirations and even

Page 34.

Page 39.

prejudices." The Government of India had however doubtless fully considered these and similar points before formulating their proposals. I am merely directed to say that His Excellency in Council fears that difficulties would arise in respect of those ruling chiefs with whom he is in direct relation. His Excellency in Council would moreover find some difficulty in nominating more than a very small number of territorial magnates in the Presidency whose position and authority is such as to fit them for membership of the proposed assembly.

6. *Provincial Advisory Councils.*—It is believed that the establishment in this Presidency of the Provincial Advisory Council sketched in paragraph 6 of the Home Department letter has never before been suggested or advocated, the present proposal has been received coldly by the public, and His Excellency in Council on the whole strongly endorses the public view. The general object of the proposals of the Government of India is to bring all classes of the people into closer relation with the Government in order that—

(1) they may have wider opportunities of making known their feelings and wishes on administrative and legislative questions and so take a more effective part in shaping the action of Government, and

(2) the motives and measures of Government may be more generally understood and erroneous and mischievous impressions corrected.

His Excellency in Council doubts whether the proposed Provincial Advisory Council, if it is constituted as suggested by the Government of India, would either voice the aspirations of more than a few classes of the people or be of any great use in correcting popular misapprehensions. It is already the practice, as is recognised by the Government of India, to consult Indians whose advice may be of value; in proposing the constitution of the new advisory bodies the object is to give clearer definition and continuity to methods already partially and occasionally adopted. The question then naturally follows whether a consultative body of the small numerical strength contemplated, with a somewhat indefinite constitution and with very indefinite functions, is likely to furnish the Government with more valuable advice than that now obtained informally, according to circumstances, from every quarter. It is true that, unless the sources from which and the mode in which advice is obtained are regulated, the discretion now exercised by the Governor in Council in seeking advice may be represented as capricious and the advice given may be decried as self-seeking or subservient. But His Excellency in Council doubts whether any plan for obtaining the advice so necessary to the successful conduct of the administration can be devised which would really have the effect of making such advice more representative of Indian opinion and more authoritative. This Presidency is so large, the spread of civilization and education is so partial, and ethnical and social barriers are so many and strong that the proposed council of less than sixty members would certainly not be representative of all classes of the people. The Government of India suggest that it should be large enough to embrace all interests of sufficient importance to claim representation on such a body. His Excellency in Council however feels that, even among those classes whose position might obtain for them representation in the Council, there are so many diverse interests that representation would be partial and inadequate. From certain passages in the Home Department letter it would appear that the Government of India perhaps expect much from the presence on the Advisory Councils of territorial magnates who would form the nucleus of the Provincial Council. In the opinion of the Government of India the great landholders "not only constitute the aristocratic and stable elements in Indian society but also represent the interests of the landlords, great and small", and they consider that they have now become qualified to take a more prominent part in public life and to render a large measure of assistance to the Executive Government. This view appears to the Government of Madras to be somewhat optimistic so far as this Presidency is concerned. Although a certain proportion of the landholders in this Presidency are distinguished by education, intelligence and capacity for affairs, yet His Excellency in Council doubts whether as a class they could be expected to supply such a preponderating influence in the Advisory Council as the Government of India appear to anticipate. In this Presidency the great landholders are not

generally the acknowledged leaders of the people. His Excellency in Council further doubts whether representatives of the small landholders, of industry, commerce, capital, and the professions, who would under the scheme sketched by the Government of India be members of the Provincial Advisory Council, could be trusted to be indifferent to press and platform criticism, and he believes that if the deliberations were confidential, fear of unauthorised revelations would act as a restraint, while public conferences would generally produce opinions designed mainly to secure the approval of the press. It is the common experience of His Excellency in Council to receive in confidence most valuable opinions and advice which would not be given if there were any danger of their being made public, and he doubts whether a Provincial Advisory Council would venture to advocate, even in conferences nominally secret, action which they imagined the public press would denounce. The Government of Madras accordingly doubt whether such a council could be expected to give the best advice. They further think it would be likely to disappoint the expectations of the Government of India in its capacity as a publishing and explanatory agency. Popular measures require no special supporters, unpopular ones will find none in such an assembly, and it is to be feared that if, as might happen, a line of action were decided upon by Government in opposition to the advice of the council, their sense of loyalty would be insufficient to deter some of the members from repudiating responsibility, and thus casting on the Government the double odium of rejected counsel and unpopular measures. The Government of Madras indeed think that in course of time the council might adopt an attitude of habitual opposition and give only unacceptable advice—a course which would place the Government in the false and invidious position of apparently rejecting all advice tendered to them. Moreover it may be doubted whether the combined advocacy of all the members of the council would avail to counteract misinterpretations in the press or the more dangerous misinterpretation by the spoken word which the extreme opposition carries on in town and country independently of press campaigns. Misrepresentation of the former class is the more noisy, but has, it is believed, no great effect; the latter is far more difficult to meet and is beyond the reach of correction at the hands of such a council as the Government of India propose. It would not be possible for members of the Advisory Council to go from village to village and explain to credulous villagers that plague, famine, cholera and high prices are not due to the malignant efforts of Government. In fine the Government of Madras are decidedly of the opinion which has been widely expressed that the Provincial Advisory Council would be radically unsuited to the end which the Government of India have in view.

His Excellency in Council does not consider that any new machinery is really required for making known to Government and their officers the wishes and aspirations of the people. Although much has been recently said to this effect in evidence before the Royal Commission on Decentralization and some sections of the public hold this view, His Excellency in Council is not of opinion that any new gulf has opened between officials and the public. The opportunities for ascertaining the sentiments of all classes interested in the work of the administration are unlimited and after making every allowance for personal idiosyncrasies and other disturbing factors, the Governor in Council is still of opinion that all grades of officers and more particularly those at the head of district and departmental administration are fully informed as to the trend of public feeling. In order, however, to secure to a greater extent the second object contemplated by the Government of India, the diffusion of correct information and the contradiction of mischievous reports, the Government of Madras would be glad of the assistance of a new body or assembly of the men, not constituted as an Advisory Council, but in some sort representative of the whole Presidency and more especially of the masses of the people, by which the views and interests of all sections of the population might also, to some extent, be ascertained and signified on a formal and regular plan. But before outlining the proposals of this Government, I am directed to discuss another suggestion that has been put forward.

There appears to be a considerable current of opinion among the educated professional class in this Presidency in favour of converting the Advisory Council sketched by the Government of India into a sort of House of Commons, without the

power but with some of the influence of the British House of Commons and it seems to be considered that this might be done, without any transfer of sovereign power from the Government as at present constituted to the people, by giving this Council statutory recognition together with the right to offer advice unsought and to initiate or prepare legislation without any power of passing enactments, of censure, of financial control or of veto, all executive power remaining as now in the hands of the existing Executive Council and all legislative power in the hands of the existing Legislative Council. Sir V. Bhashyam Aiyangar, C.I.E., a former Judge of the Madras High Court, for instance, who argues with some pertinence that the changes of 1892 have created an opposition and have not achieved that unity in the Legislative Council which the British Legislature contemplated, and that the existing system will do great harm if it is perpetuated, has worked out an ingenious scheme on these lines. The Advisory Council would form a Lower House, the existing Legislative Council being retained as an Upper House. The Advisory Council would be entirely non-official, though Sir V. Bhashyam Aiyangar would not strongly object to an admixture of the official element. It would represent, as far as possible, all races, nationalities and creeds, number 50 to 100 members and be partly nominated and partly elected. The Chairman would be an officer of high rank, preferably a Judge of the High Court accustomed to and capable of maintaining order. Some political questions such as the relations of the Government with Foreign States and also certain administrative matters would be placed by Statute outside the scope of discussion; on the other hand it would be obligatory for the Government to refer to the Advisory Council all Bills introduced in the Legislative Council and to place certain administrative matters, such as proposals for the redistribution of districts, before the Council. The deliberations of the Council on administrative matters would be secret. The Council would have power itself to frame Bills and would depute one of its members to introduce them in the Upper House or Legislative Assembly, but the Upper House alone would have powers of legislation. The Advisory Council, as thus modified, bears a curious resemblance to the assembly known as the "Tribunat,*" which existed in France under the Consulate and the Empire; a body which, devoid as it was of all power and consequently of all feeling of responsibility, developed a factious and revolutionary spirit, was always in opposition to the Government and was in consequence eventually suppressed. The Government think it quite possible that a similar assembly constituted in this Presidency would develop a similar spirit and they do not think, for the reasons given in discussing the proposal of the Government of India, that it would be representative of the masses of the people. It would really represent only the educated class, and eventually probably only the small portion of that class which holds extreme political views, but would claim to represent the people of the Presidency and soon demand the rights and powers of lower houses in the Parliaments of the West. In the opinion of His Excellency in Council Sir V. Bhashyam Aiyangar's and similar schemes are altogether premature. This Presidency has not advanced far enough in civilisation to render it possible to consider for a very long time to come the establishment of any institution of the sort contemplated.

Page 25.

* Thiers, Le Consulat et l'Empire, Vol. I., "Book I. Un corps de 100 (reduced to 50 "in 1802) membres, appelé Tribunat, chargé "de représenter dans cette constitution "l'esprit libéral, novateur, contradicteur, "recevait communication des lois, les discu- "tait en public, et émettait un vote, "uniquement pour savoir s'il en poursuivrait "devant le Corps legislatif l'adoption ou le "rejet. Il nommait ensuite trois de ses "membres pour aller soutenir devant le "Corps législatif l'avis qui avait prevalu "dans son propre sein."

7. *Constructive Proposals—General Assembly.*—As the Government of India are aware a popular assembly known as the "Assembly of Representative Raiyats and Merchants from all Taluks", or, more shortly as "The Representative Assembly" has existed in Mysore for over a quarter of a century and similar institutions have been introduced in recent years in two other South Indian States, Travancore and Pudukkóttai. The Governor in Council has watched the working of these institutions with great interest. Their usefulness has been questioned in some quarters but the better opinion appears to be that they serve sufficiently the limited purposes for which they were created and do something to popularise the administration.

They are not representative in the sense in which that term is commonly used in political discussion. They do not represent a sovereign people nor exercise directly or indirectly any sovereign right or any controlling power. They have been contemptuously referred to as "Glorified Jamabandis", but this nickname, while it signifies the annual meeting of Revenue officials and villagers for the settlement of rent or revenue demand, only emphasises the fact that these assemblies have grown naturally out of an indigenous institution and have their roots in the soil. His Excellency in Council would be in favour of introducing something of the kind in this Presidency in preference to the Advisory Council sketched by the Government of India.

These institutions have not developed in imitation of the institutions of the West, they represent the masses rather than the classes or any particular class, and they are understood and appreciated by the people in Mysore, Travancore and Pudukkóttai. They are well calculated to interpret the people to Government and the Government to the people. Their introduction requires no legislation and the elective principle can be applied without elaborating complicated schemes of class representation. In Mysore the representatives were at first selected from each taluk or district by district officers or from among themselves by Local Fund Boards. Gradually a system of election was introduced, the qualifications of voters and of candidates were laid down, and some general rules of procedure are now observed. The members have no official status though some concessions are made to them as members, such as a right to obtain official information and the privilege of exemption from the liability to take out a license under the Arms Regulation. Every attempt of the assembly to usurp the powers of the Government as, for instance, by requiring that the Government should make it a rule to lay their legislative measures before the assembly, has been resisted and the functions of the assembly are restricted to submitting observations and suggestions in the public interest, bringing forward all general, as opposed to individual, grievances in order to assist the Government, watching and criticising the working of the administration, and hearing and publishing what the Government may have to say in support of unpopular measures, in defence of their action, and by way of answer to their traducers. The property qualification of an elector and member varies according to his taluk; the land revenue assessment entitling to a vote is Rs. 50 to Rs. 150; for membership the qualification is a payment of Rs. 100 to Rs. 300 land revenue; and graduates of any Indian University are entitled to a vote. Each taluk is represented by from two to four members and district boards, municipalities and certain associations are separately represented. Members hold their seats for three years. The number of representatives for a population of five or six millions is at present 275, of whom 113 are landholders, 72 hereditary village officers, 47 bankers and merchants, and 22 lawyers. The assembly meets once a year. Long notice is given of all questions proposed for discussion in order that reports may be obtained from local officers, who preside at a preliminary district conference of the members for each district, and all matters that can be settled to the satisfaction of the member putting them forward are disposed of by the district authorities before the meeting of the full assembly takes place. The matters eventually discussed at this meeting are commonly such as are not of mere local interest, but relate to questions of some importance requiring to be decided or discussed by the Central Government. The members for such district serve in this way as an Advisory Council for the head of the district, while the assembly is the Advisory Council of the Central Government. The discussions in Mysore are partly in English, partly in the vernacular; but perhaps half the members know no English.

The Travancore Assembly entitled the "Sri Mulam Popular Assembly" is of very similar character. Territorial representatives are elected for each taluk and local bodies and associations are also represented. Every person who pays land revenue of not less than Rs. 50 or whose income is not less than Rs. 3,000 or who is a graduate is entitled to vote. The taluk members meet first at the taluk headquarters and prepare in consultation a memorandum which is forwarded to the head of the district, who forwards it with his observations to the Diwan.

In the Pudukkóttai State each Revenue Inspector's firka (a sub-division of the taluk) is divided into three groups and a committee of ten persons which may be

entrusted with the supervision of education, etc., is formed by appointment. The committees choose a delegate each. The delegates meet at the taluk head-quarters and elect by ballot five from their own number to sit on the Representative Assembly for three years. Three associations in the State also elect representatives and a few representatives are nominated. Graduates, persons paying Rs. 50 land revenue and persons with an income of Rs. 1,000 are qualified to be delegates or members; illiteracy is a disqualification.

The population of this Presidency is very much larger than that of any of the three States mentioned, and His Excellency in Council does not disguise from himself that there may be considerable practical difficulties in the way of introducing a similar institution in this Presidency. But he is of opinion that such an assembly or assemblies would better carry out the objects stated in the Home Department letter than the Advisory Council proposed by the Government of India, and if the Government of India are inclined to accept this suggestion, a scheme will be worked out in detail. As at present advised His Excellency in Council thinks it might be necessary, as discussion would have to be conducted to some extent in the vernacular, to have two assemblies, one for the northern part of the Presidency in which the prevailing vernacular is Telugu, and one for the south where Tamil is generally spoken. He is inclined to think that the bases of representation should be mainly territorial and that two members might be allotted to each taluk. He would be disposed to introduce at once a system of election by electors with a property qualification which would not be pitched so high as to exclude the common ryot. Separate representation would be given to certain associations and local bodies. Preliminary district conferences to settle subjects for discussion at a General Assembly would be held by Collectors of districts or Divisional officers, and the General Assembly or Assemblies would be presided over by high officials who would receive from Government special instructions on each point to be discussed. It would perhaps be found possible to give the General Assembly or Assemblies the privilege of nominating one or more members for appointment to an enlarged Legislative Council.

The electorate for the Assembly or Assemblies might be utilised for the elective system of District and Taluk Boards, which it is proposed to introduce, and regarding which a further communication will shortly be submitted to the Government of India.

8. *Enlargement of the Imperial Legislative Council.*—The Government of Madras have little to say regarding the scheme laid down in the Home Department letter for the enlargement of the Imperial Legislative Council. It has been somewhat freely criticised by the educated class in this Presidency, who are generally in favour of a larger elected element and generally opposed to the inclusion of a Ruling Chief, but the local Government do not endorse these criticisms.

The Government of Madras are not sure that a system of election by an electorate extending over the whole Presidency would operate satisfactorily in the case either of the great landholders or of the Muhammadans of the Presidency, but they consider that the experiment may be tried. Lists showing the number of persons that would be entitled to vote if different qualifications are laid down are being prepared. The statistics are not yet complete and I am directed to say that a further communication will be made on the subject as soon as possible. But it may be stated at once that in eighteen of the twenty-three Madras districts there are 858 persons whose income derived from land is estimated at Rs. 3,000 per annum or more, and 184 persons, including 118 Zamindars, twenty-five Inamdars, forty ryotwari holders and one zamindari tenant whose income derived from land is estimated at Rs. 10,000 or more. The criterion of the amount of land revenue paid can scarcely be applied in this Presidency for reasons which will be explained in the promised further communication. The number of Muhammadans whose income derived from land is estimated at Rs. 25,000 or more is only three in the eighteen districts, while there are thirty-three Muhammadan landholders with an estimated income of Rs. 3,000 or more. In the eighteen districts and excluding the Presidency town there are seven Muhammadans who pay income-tax on an income of Rs. 25,000 or more and forty-one who pay on an income of Rs. 10,000 or

Page 18.

more. In the Presidency town 64 Muhammadans are taxed on an income of Rs. 10,000, in the eighteen districts forty-one more. The number of Muhammadan Fellows of the University is at present eight.

9. *Provincial Legislative Council.*—In dealing with the reform of the existing Legislative Councils the Government of India briefly review the object and effect of the enlargement of the Councils and the introduction of the elective system under the Indian Councils Act, 1892; they conclude that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to secure due representation of other important elements of the community. The Government of India therefore desire that the Councils should be enlarged to the fullest extent compatible with the necessary authority of Government (which is to be maintained by an absolute numerical majority sufficiently strong to be independent of minor fluctuations that may be caused by the occasional absence of an official member) and that due and ample representation should be given to the different classes and interests of the community through the non-official members.

The present Legislative Councils in the exercise of their primary functions of legislation have materially aided the Government and His Excellency in Council gladly and fully recognises that the general effect of the advice received from the non-official members has been to assist in harmonizing the legislation with the actual conditions of the country. If illustration be needed it is unnecessary to look beyond the present year and the Madras Estates Land Bill, the discussion of which measure was distinguished by the cordial and invaluable help rendered by the non-official members both in Select Committee and in debate. His Excellency in Council however agrees that under the present system due representation has not been given to all classes of the community. Another defect of the present system is that, while some of the non-official members have realized the responsibilities of their position as members of the Council, others have appeared desirous to embarrass rather than assist the Government; their criticisms of the administration in the debates on the budget estimates have at times been ill considered and unstatesmanlike and have not appeared to be genuine attempts to represent the feelings of the masses and to help the Government to ascertain and remove or prevent real hardships or otherwise to improve the administration.

With regard to the proposed enlargement of the councils it is alleged that since their enlargement in 1892 there has been a distinct cleavage of parties. Prior to that date votes were recorded for or against any question before the council by each member whether official or non-official according to his own individual judgment; since then however all the official members have voted as the Government party while the non-official Indian members have usually voted solidly as the opposition. This is a matter for regret and the only possible remedy would seem to be a reduction in the size of the Legislative Council; but His Excellency in Council considers that such a proposal could not be entertained now even if such a measure would mitigate this alleged evil.

His Excellency in Council agrees with the Government of India that, in order to increase the representative character of the Legislative Council, it should be enlarged to the fullest extent compatible with the maintenance of the official majority. After careful consideration the Government have arrived at the conclusion that, in addition to the Governor, the members of the Executive Council and the Advocate-General, it is possible without detriment to the public service to spare only fourteen officials of the requisite standing and experience from their regular duties for attendance in the Legislative Council. The number of non-official members cannot therefore be raised above sixteen.

As regards the problem how to obtain due and ample representation of the different classes and interests of the community, His Excellency in Council finds himself unable to accept the solution proposed by the Government of India. That Government state that they "do not wish to impose upon Provincial Governments any special line of action in making proposals", so long as the object is kept in view that the representation of classes now liable to be crowded out by a dominant section of the population should be provided for. The Government of India

however suggest that the Local Government should "determine how many seats are to be filled by elected representatives of the most important classes into which the population of the Presidency is divided by *race, caste or religion*" and should cause electorates to be formed for each such class. No part of the Government of India's proposals has been received with more general and decided disapprobation than this last suggestion. Apart from the very great practical difficulty of forming class electorates the proposal to introduce the principle of race, caste and religious representation has been almost universally condemned as likely to perpetuate differences and to strengthen barriers which the growth of civilization is gradually removing. It has been contended that even now with the exception of the Muhammadans, no religion or caste has any special interests of its own. On the Legislative Council, of which the number of members is necessarily limited, there would not be room for the representation even of the larger communities, and even among those whose position might obtain for them representation in the Council divergences of interest are so great that in the absence of provision for eliciting the opinions of sub-castes and sub-sections of communities absolute equality of treatment could not be secured. The Mappillas have nothing but their religion in common with the Lubbays. The social barrier between the Uriya Brahman and the Nambudri Brahman of the West Coast is more formidable than the continent which separates them geographically.

The Government consider that there is force in these objections. But the fatal defect of any scheme of class representation that may be devised appears to them to be the practical difficulty of arranging for a class vote all over the Presidency or other large area and of canvassing over such large areas. The candidates would be mere names to most of the voters and the interest of the electors in the election would probably be very small. It appears to the Governor in Council that some of the defects of the existing Legislative Council are due to the great size of the constituencies, and that class representation which would appear to necessitate the creation of more constituencies of the same exaggerated dimensions is not well calculated to remedy those defects. When the election of a member has to be made by a constituency extending over a dozen districts no candidate can succeed unless he is widely known and can afford to canvass from district to district. As a rule only lawyers are able to fulfil these requirements and this is one of the reasons why elected members have in the past almost always been lawyers. In revising the constitution of the Legislative Council and expanding it the Governor in Council would desire, if this were practicable, to reduce the size of the electoral areas.

A scheme on the lines of the suggestions of the Government of India was, as already stated, drawn up and submitted to the public for consideration. In this scheme it was proposed that class electorates should be formed which would extend over the whole Presidency, but I am directed not to dwell upon those proposals as they have not proved acceptable. Two of the many other schemes put forward will now be briefly described and the proposals which His Excellency in Council wishes to make will then be sketched. Page 213.

10. *Provincial Legislative Council—Proposals of Diwan Bahadur Rajaratna Mudaliyar, C.I.E., of the Hon'ble Mr. P. S. Sivaswami Aiyar, C.I.E., and the Local Government.*—Diwan Bahadur Rajaratna Mudaliyar, formerly Inspector-General of Registration, Madras, proposes to divide the Presidency into four or five circles, each of which would elect three members to represent the following interests, land, commerce and industry, and the liberal professions. The electors would be the members of District Boards and Municipal Councils. Every elector would have three votes, one for each interest. Candidates must represent the interests for which they seek election, that is to say, a candidate for the landed interest must be a landholder, for the commercial interest, a trader or manufacturer, and only professional men could represent the professions. Page 30.

The Government find this proposal not altogether unattractive. If it were adopted, there could not be more than four circles as they do not consider that more than twelve of the sixteen available seats should in any circumstances be elective; at least four must be reserved for nomination in order that particular

interests may not be left unrepresented. The main objections to the proposal are in their view the size of the constituencies which would comprise five or six of the large districts of this Presidency and the intricate manner of voting.

The Hon'ble Mr. P. S. Sivaswami Aiyar, Advocate-General, Madras, proposes to divide the Presidency into eleven circles. The electors would be the non-official members of District Boards and Municipal Councils. He would give one seat to the planting interest, one to the mercantile interest to be elected by the Madras Chamber of Commerce or other institution, one to the University and one to the Corporation of Madras, one to a Landholders' Association and one to a Muhammadan Association. He would reserve five seats for nominated members, and make the total number of non-official members 22. The Government of Madras consider that the size of this body is an almost insuperable objection to the proposal, as there would be great difficulty in providing an official vote to balance 22 non-officials on the Council.

On the whole, the Government of Madras are of opinion that if additional seats are provided to which representatives of special classes and interests may be nominated by His Excellency the Governor, there is no necessity at present to vary the existing constitution of the Council to any great extent. The additional seats to be provided by nomination would not ordinarily be assigned to lawyers and the present preponderance of that class would accordingly be reduced. At present four seats in the Council are filled on the recommendation of two groups of Municipal Councils and of two groups of District Boards, one on the recommendation of the Madras Chamber of Commerce, one on the recommendation of the University, and a seventh on the recommendation of the Corporation of Madras. Other members are usually appointed to represent the planting interest and the great landholders. In view of the diverse interests now represented, and that must continue to be represented, it would be impossible even with an enlarged Council to throw open many more seats to election and so reduce substantially the size of the constituencies. Their size could be reduced by introducing a system of rotation, but there are obvious objections to such a plan. The Governor in Council has accordingly reluctantly abandoned the proposal to form a larger number of smaller territorial constituencies. While he welcomes the proposal to enlarge the existing Council for the reasons given in the Home Department letter, he would retain the four members now nominated on the recommendation of the groups of District Boards and Municipalities, as also the three members recommended by the Chamber of Commerce, the University and the Corporation of Madras, he would be prepared to propose the assignment by statutory regulation of one seat to the Muhammadan community, he would recommend that if his proposal to organise a General Popular Assembly or Assemblies is approved, the Assembly or Assemblies should be permitted to recommend two members for nomination to the Legislative Council, and he would reserve six seats to which representatives of classes or interests not otherwise represented or insufficiently represented could be nominated by His Excellency the Governor. The further communication promised in paragraph 8 *supra* will contain a discussion of the proposal of the Government of India that a Muhammadan or Muhammadans should be appointed to the Provincial Legislative Council on the recommendation of a body of Muhammadan electors—a subject which His Excellency in Council desires to consider further. Complete statistics which have been called for to serve as a basis for consideration have not yet been received, but I am directed to state for the information of the Government of India that in 18 of the 23 districts of the Presidency there are—

(*a*) 355 Muhammadans whose income from land is estimated at Rs. 500 or more;

(*b*) 601 Muhammadans who pay income-tax on incomes of or exceeding Rs. 1,000 per annum;

(*c*) 523 Muhammadans who pay income-tax on Rs. 2,000 or more per annum;

(*d*) 64 Muhammadan graduates of the Madras University.

It is not expected that the figures will be much raised by the inclusion of the statistics of the remaining five districts, and it would appear that the Muhammadan community in this Presidency is not of sufficient importance to warrant the reservation for it of any large number of seats on the local Legislative Council.

11. *Amendment of Council Regulations.*—With reference to the last clause of paragraph 24 of Sir Harold Stuart's letter, I am directed to observe that the amendment of the Regulations made under section 1, sub-section (4) of the Indian Councils Act, 1892, which the Madras Government's proposals would necessitate, if they are accepted, is of a very simple character. As at present advised His Excellency in Council considers that the only amendments required are—

(1) that the word "nine" in rule I be altered into "fourteen";

(2) that in rule III there should be substituted for the present proviso "provided that two seats shall ordinarily be held by large landholders and one by a Muhammadan."

The number "fourteen" is suggested to provide for additions to the number of non-official members up to a limit of sixteen and the amendment of sub-section (1) of section 1 of the Indian Councils Act, 1892, is also involved in these proposals. Under that provision of law, the maximum number of additional members of the Legislative Council is twenty. The Governor in Council would suggest that the maximum should be raised to thirty to provide for the enlargement of the council now proposed.

12. *Reform of the system of election and nomination to Municipal and Local Boards.*—If the proposals made in the last paragraph but one are accepted, the composition of mufassal Municipal and Local Boards will react only on the selection of four out of sixteen non-official members of the Legislative Council. His Excellency in Council has still under consideration the suggestions made in clause (*c*) of paragraph 22 of the Home Department letter. A separate communication on the subject will be submitted to the Government of India at an early date.

13. *Discussion of the budget.*—The Government of India suggest that the discussion of the budget in the Provincial as well as in the Imperial Council should be more detailed and that more time should be devoted to it. But the Governor in Council doubts whether this would, to any considerable extent, have the effect of making "the debates less unreal" or of giving them a less "discursive and unfruitful character" while it would involve a considerable expenditure of valuable time. The objection to the unfruitful debate in open council which takes place after the budget is settled and when it is too late to alter it, is, in the opinion of His Excellency in Council, inherent in the conditions under which the debate takes place, but the Government of Madras decided this year to follow the example already set by the Government of Bengal and to invite the non-official members of the Legislative Council to an informal conference to consider the budget while there was yet time to alter it. The Government secured in this manner intelligent and valuable criticisms of their first draft of the budget and propose to continue the experiment which, it is understood, gave satisfaction to the non-official members of the Legislative Council.

14. I am directed to add that the communication urging the claims of Eurasians to representation on the Legislative or other councils in India and on the Council of the Secretary of State which was forwarded with Home Department letter No. 210, dated 21st/22nd January 1908, has been duly considered by His Excellency the Governor in Council, and to say that while His Excellency in Council is not in favour of specially reserving for the Eurasian community a seat on an expanded Provincial Legislative Council, he would be prepared to request the Madras Eurasian and Anglo-Indian Association to nominate a member or members of the general assembly proposed in paragraph 7 of this letter. There would of course be no reason why an Eurasian should not be nominated by His Excellency the Governor to one of the six seats reserved for nomination.

Telegram—from the Secretary to the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Simla, the 10th April 1908.
No.—896, Public.

Page 7. Please refer to paragraph 7, sub-paragraph 5, of your letter of 13th March, regarding Advisory Councils. Government of India are unable at present to commit themselves to definite acceptance of scheme of general assemblies there sketched, but they will be prepared to give it their careful consideration if it can be worked out in time to reach them by end of this month.

Letter—from the Hon'ble Mr. J. N. ATKINSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 28th April 1908.
No.—357, Public.

Page 1. I am directed to reply to your telegram No. 896, dated 10th April 1908, referring to my letter No. 222, dated the 13th March 1908, regarding Advisory Councils, and requesting that a scheme of general assemblies may be worked out in time to reach the Government of India by the end of the month. It is understood that the Government of India desire a somewhat fuller sketch of the proposals roughly outlined in my letter.

2. I am first directed to explain that no detailed information bearing on the subject has yet been collected and that as the Local Government's proposals differed somewhat widely from those put forward by the Government of India, local officers and the general public have not been consulted with regard to them. It has in fact been ordered that the proposals, pending a pronouncement by the Government of India, should be kept strictly confidential. In these circumstances, the Local Government are at present unable to work out the details of a fuller sketch. The working out of any scheme in detail would entail the consultation of a large number of persons and the collection of a large amount of information to be followed by careful examination and consideration; but on the understanding that the Local Government do not commit themselves on points of detail, they feel no difficulty in submitting to the Government of India a more complete sketch of their suggestions, and I am directed to furnish this in the following paragraphs.

3. The constitution, functions and procedure of the assemblies would be in general those of the Mysore Assembly. That assembly serves as a channel of communication between the Government and the ryots and traders of the State, and as a means of bringing the wants and wishes of the latter directly under the cognisance of Government. In Mysore the assembly was not created by legislative enactment, or what would pass as its equivalent in that State. His Excellency in Council would be opposed at present to the creation by legislative enactment of any assembly or assemblies that may be established in this Presidency. They would be first established on a purely experimental basis, and His Excellency in Council would expect many changes to be necessitated from time to time in the light of experience. In Mysore the constitution of the electoral body and the method of representation have frequently been changed during the last twenty-five years by executive orders. Nothing would be gained, in the opinion of His Excellency in Council, by giving the assemblies any legal constitution. It is not proposed that they should have any powers and consequently a statute or fundamental constitutional law, such as those enacted elsewhere to define and limit the powers of representative assemblies, would be unnecessary.

4. *Constitution of the Assemblies.*—The constitution of the assembly or assemblies would follow that of the Mysore Assembly, but some deviation from the model will be suggested to suit the circumstances of this Presidency. Rural representation would be arranged for by forming constituencies in the taluks. The towns

would be represented by members chosen from the non-official element in the municipal councils. The special representation of classes other than the land-owning or land-holding class and of certain religious communities and of particular interests could be arranged for by direct nomination or by permitting certain associations to return members.

5. *Functions of the Assemblies.*—The functions of the assembly or assemblies would be to submit observations and suggestions in the public interest; to inform the Government of the wants of the people; to bring forward general as opposed to individual grievances with a view to their removal; to draw attention to any defects in the working of the administration; to hear from a high official, preferably a Member of Council, a summary of the past year's administration and a programme for the coming year; and to elect once in every two years a member of the Provincial Legislative Council. The subjects in regard to which representations would be allowed would not be limited by rule except that such representations should relate to matters under the control of the Local Government; but as notice of the subjects to be brought forward would be required, it would lie much in the discretion of the Secretariat and the presiding officer to settle what representations should be brought forward in the assembly. An assembly would meet once a year for three or four days, and no standing committee of the assembly would be recognised. No vote would ever be taken except on the one occasion of the election of a Member of the Provincial Legislative Council, and there would be no debates. The Government would, if they considered this desirable, permit their legislative or other projects to be discussed in the assembly, but no right on the part of the assembly would be recognised to consider Bills before they were passed into law. The members would hold their seats for three years. No special privileges would be allowed to them, not even the privilege which is given in Mysore of exemption from the operation of certain provisions of the Arms Act.

6. *Procedure.*—The members for each district would, as early as possible after a conference to be held in the district as described in the next paragraph, communicate with each other as to the subjects to be brought forward for discussion at the meeting of the general assembly. They would, after discussion among themselves, prepare a memorandum describing *seriatim* their representations and suggestions on the subject which they desired to bring forward at the general meeting. They would also nominate the particular members who should speak on each subject at the general assembly. The memoranda drawn up by the members would be submitted to the Collector of the district, who would make his remarks on each proposal and forward the memoranda to the Government Secretariat. A further preliminary meeting of the members for each district would be held at the station fixed for the meeting of the general assembly and alterations in and additions to the list of subjects and speakers would then be made. Such supplemental lists would be communicated to the Secretariat, by telegram if necessary, so as to leave the Government three clear days for consideration before the meeting. The order in which the various subjects would be discussed would thereupon be decided by the Government and published. No member would be permitted to speak on any subject for which his name was not entered on the official list, nor would any member be permitted to speak twice on the same subject, and the reply of the presiding officer would close the discussion.

7. *District Conferences.*—Three or four months before the holding of a general assembly, the members for each district would meet at the district head-quarters in a district conference presided over by the Collector and attended by all district officials so far as the exigencies of the public service would permit. All matters of purely local interest or within the competence of the Collector brought forward by members would be settled by the Collector and eliminated from the list of subjects to be discussed at a general assembly, and the Collector would use his influence to obtain the withdrawal of useless proposals or proposals made under a misapprehension of facts. I am to observe at this point that the Government attach much importance to the establishment of district assemblies. There has been some public demand for such institutions. Although in this Presidency district officers come into touch with persons of all classes and their representatives at the monthly meetings of Local Boards and at the annual jamabandis, the Government consider that benefit must accrue from the opportunities which these institutions would give to the Collector to disseminate knowledge of the measures and intentions of the Government, and

to the representatives of the people formally to bring forward for discussion with the several district officers their alleged grievances and to express their opinion on any proposals of the Government which the Collector may, under instruction, lay before them.

8. *Further details.*—Care would be taken that both the district and general assemblies should be held at such times as would be convenient to the members and in particular to those interested in agricultural operations. The district conferences could probably most conveniently be held before the break of the south-west monsoon, and the general assembly or assemblies in September or October. In order that no pecuniary burden should be imposed on members, they would be given travelling allowance and batta at liberal rates for attendance both at the district conferences and the general assemblies.

9. *Deviations from the Mysore model.*—So far the proposals follow in the main the system which exists in Mysore, but Mysore is a small homogeneous State, while this Presidency has a population seven times as large and falls into four linguistic divisions. Tamil is the principal language of the capital city and ten districts, Telugu of ten districts, while Malayalam is spoken in the district of Malabar and Canarese in the district of South Canara. It is proposed that there should be only two general assemblies, the Northern or Telugu Assembly for the ten Telugu districts with South Canara, and the southern or Tamil Assembly for the ten Tamil districts with Madras city and Malabar.

10. *Further details.*—The general Northern or Telugu Assembly would represent a population of approximately 16 millions of persons and the general Southern or Tamil Assembly a population of 22 millions. The district of North Arcot, however, which is at present included among the Tamil districts, will, under the scheme of redistribution of districts which has been laid before the Government of India, be divided into two districts, the one Chittoor preponderatingly Telugu, and the other Vellore preponderatingly Tamil. If this partition of the North Arcot district were to be eventually sanctioned, the Chittoor district would be transferred to that part of the Presidency which the Northern Assembly would represent, the population represented by the Northern Assembly would be about 17 millions, and the population represented by the Southern Assembly about 21 millions. The population of the Mysore State is only $5\frac{1}{2}$ millions, while 275 members were returned in 1907 to the Mysore Representative Assembly. His Excellency in Council considers that if the Telugu and the Tamil portions of the Presidency were represented on a similar scale, the two general assemblies would be too large, and that it would be more convenient that the numbers of each assembly should be about the same as those of the Mysore Representative Assembly. Accordingly, while in Mysore there is one member for every twenty thousand of the population, in the Madras Presidency there would be one member for every seventy or eighty thousand or so. His Excellency in Council also considers that in Mysore, where there is a large number of municipalities, the urban population is somewhat over-represented and that the special representation of Local Fund boards that exists in Mysore involving, as apparently it does, a double representation of rural areas, is unnecessary. In the small State of Mysore, 27 municipal towns are represented by 42 members and 8 Local Fund boards are represented by 16 members. In the whole of the Madras Presidency there are only 60 municipal towns, and His Excellency in Council considers that urban representation will be sufficiently provided for if only municipalities are specially represented, the smaller towns being merged in the taluk constituencies, and that local boards would not require separate representation. The commercial, industrial and professional interests in the smaller towns may have to be represented, if any special representation is necessary, by the nomination of persons in each sub-division of a district from the list of those who pay income-tax on a certain income. Commerce and industry and certain professions would also obtain special representation through nominations made by such associations as Chambers of Commerce, Trades' Associations, Planters' Associations and Bar Associations, and in certain districts, where Muhammadans and Native Christians form an important minority of the population, it is proposed to provide them with

separate representation. The principle of the separate representation of Muhammadans has been accepted by the Government of India, and it seems unnecessary to defend it. Christian converts in this Presidency are a comparatively well-educated community. The percentage of literacy among Native Christians was for males 16·2 and for females 5·9 at the last Census as against 14·1 and ·9 in the case of the Muhammadan community and 11·6 and ·7 among Hindus. Further, they are usually drawn from the lowest castes, and in rural parts are almost all agricultural labourers, who have with their conversion conceived new aspirations and endeavour, often with the pecuniary help of Missionary Societies, to change their condition and raise their status in society. Their interests clash with those of the Hindu ryots who would form the majority of the electorates in the taluk constituencies, and it would probably be advisable to accord them separate representation in certain districts in which they muster strong.

11. *Chairmanship of the Assemblies, etc.*—In Mysore, the Diwan presides over the Representative Assembly. In this Presidency it is proposed that the President of each assembly should ordinarily be a Member either of the Executive Council or of the Board of Revenue acquainted with the vernacular of the assembly. The assemblies would probably not be convened simultaneously. A list of the questions for discussion would be sumbitted to Government by Collectors after the district conferences, and the answers regarding all important matters would be decided upon before the holding of each general assembly by the Governor in Council. It would be necessary to leave large discretion to the Member of the Council or other high official presiding over the general assembly. In that case the Government should be bound by his answers. Heads of departments and district officers would, so far as the exigencies of the public service permitted, attend the assemblies.

12. *Rural representation.*—As already stated, rural representation may be provided by forming the taluks into constituencies. It is proposed that eventually elections should be held in the taluks, but perhaps for the first year or the first few years a system of nomination by the Sub-Divisional officer might be necessary or convenient. The qualifications for the taluk electorate would be three-fold. The mass of the electorate would be formed by persons paying more than a certain assessment or calculated assessment to Government or a corresponding rent to a zamindar or an inamdar. Zamindars would be entitled to vote if they wished to. For persons not connected with agriculture it is proposed that the qualification should be the payment of income-tax on an income of not less than, say, Rs. 1,000. It is also proposed that the graduates of a recognised University should have a vote as such. Persons in the service of Government, other than hereditary village officers, would not be permitted to vote or to stand as candidates. It is considered that the franchise entitling a ryot to vote should vary, as in Mysore, according to local conditions. For a rich taluk in the deltas of the Gódávari, Kistna or Cauvery, Rs. 150 land revenue assessment would not perhaps be too high a qualification, while in Ganjám, Vizagapatam, all the taluks of Nellore except the head-quarters taluk, all the taluks of Kurnool, Cuddapah, Bellary and Anantapur, etc., a qualification higher than Rs. 50 land revenue assessment would probably exclude almost all the ryots from the electorate. The Government would aim at obtaining electorates in the taluks of some, but not many, hundreds, of whom a large proportion would necessarily be agriculturists. It is proposed that taluks of a population of over 120,000 should return two members. In Malabar, where the population of some taluks is divided fairly equally among Hindus and Muhammadans, it might be preferable to permit the Hindus to return one member and the Muhammadans another. The smaller taluks and independent Deputy Tahsildars which exist in some districts would return one member each. The Agencies, or tracts scheduled by the Scheduled Districts Act, would be represented by members nominated by the Divisional Officer. Elections could scarcely be held in those wild and barbarous tracts, which contain a very widely scattered population. The qualifications for candidates would be considerably higher than those for electors, and only persons resident in a constituency would be permitted to offer themselves for election.

13. *Urban representation.*—Municipalities would be given a representative for every 60,000 of the population or less. The representatives would be chosen by the non-official members of the municipal council. They need not necessarily be councillors, but their qualifications should be similar to those of rural representatives.

14. *Representation of religious communities.*—It is proposed to make special arrangements, as already stated, for the representation of Muhammadans in the taluk constituencies of Malabar. Muhammadans might further be permitted to nominate one representative, through a district association of their own, for every 60,000 Muhammadans or less in other districts in which there is a considerable minority of Muhammadans, *i.e.*, not less than thirty thousand. It might be found advisable to apply the same principle to the election of Native Christians. As an alternative to these proposals this Government might announce their intention of nominating additional members to represent important minorities which would not otherwise be adequately represented in the assembly.

15. Statements are appended showing how these proposals worked out numerically (1) for a particular district, (2) for the Tamil and Telugu Assemblies. The two general assemblies would consist roughly of 505 members. Each representative would represent about 75,000 of the population, and the number of members for the 23 districts would average 22 per district.

16. A pamphlet containing papers relating to the constitution and conduct of business of the Mysore Representative Assembly is forwarded herewith.

ANNEXURE I.

STATEMENT of representatives for the Gódávari district.

District population	1,445,961
Number of representatives	19

One representative per 76,103 of population.

Classes represented.	Population.	Number of representatives
(i) Rural representation—		
Cocanada division—		
Cocanada	165,662	2
Pithapuram	84,089	1
Tuni	58,762	1
Peddapuram division—		
Peddapuram	167,020	2
Ramachandrapuram	220,356	2
Rajahmundry division—		
Amalapuram	277,445	2
Nagaram	103,619	1
Rajahmundry	124,662	2
Agencies—		
Bhadrachalam	48,658	4 by nomination.
Chodavaram	23,229	
Polavaram	58,274	
Yellavaram	29,681	
	1,361,457	17
(ii) Urban (Municipal) representation—		
Cocanada Municipality	48,096	1
Rajahmundry „	36,408	1
	84,504	2
(iii) Muhammadan representation	Under 30,000	..
(iv) Native Christian representation..	Under 30,000	..
Total representatives		19

ANNEXURE II.

A.—General Northern or Telugu Assembly.

Districts.	Population.	Total members.	Rural representatives.	Urban representatives.	Muhammadan representatives.	Native Christian representatives.
1. Ganjám	2,010,256	24	21	3	..	..
2. Vizagapatam	2,933,650	37	33	4	..	..
3. Gódávari	1,445,961	19	17	2	..	..
4. Kistna	1,744,138	24	19	3	2	..
5. Guntur	1,490,635	21	15	2	2	2
6. Nellore	1,272,815	19	15	1	2	1
7. Kurnool	872,055	14	9	2	2	1
8. Cuddapah	1,291,267	20	16	1	3	..
9. Bellary	947,214	14	10	2	2	..
10. Anantapur	788,254	11	9	1	1	..
11. South Canara	1,134,713	16	10	1	3	2
Total ..	15,930,958	219	174	22	17	6
Add—Representatives of Chamber of Commerce, Cocanada, and other Associations, say ..		10				
Grand Total ..	229 representatives, *i.e.*, one representative for 69,567 of population.					

B.—General Southern or Tamil Assembly.

Districts.	Population.	Total members.	Rural representatives.	Urban representatives.	Muhammadan representatives.	Native Christian representatives.
1. North Arcot	2,207,712	30	24	4	2	..
2. Chingleput	1,312,122	15	12	2	1	..
3. South Arcot	2,349,894	23	16	3	2	2
4. Salem	2,204,974	24	18	4	2	..
5. Coimbatore	2,207,752	23	19	3	1	..
6. The Nilgiris	111,437	5	3	2	..	..
7. Tanjore	2,245,029	26	17	5	2	2
8. Trichinopoly	1,444,770	16	10	3	1	2
9. Madura	2,831,280	38	27	6	3	2
10. Tinnevelly	2,059,607	26	17	4	2	3
11. Malabar	2,790,281	25	* 18	6	..	1
12. Madras	509,346	10	..	9	1	..
Total ..	22,268,204	261	181	51	17	12
Add—Representatives of Associations, say		15				
Grand Total ..	276 representatives or one per 80,681 of population.					

* Including seven Muhammadans.

Letter—from the Hon'ble Mr. J. N. ATKINSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 18th May 1908.
No.—418, Public.

Page 1. Page 215. In continuation of my letter No. 222, Public, dated 13th March 1908, I am directed to forward a further collection of opinions regarding the formation of Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets.

Letter—from the Hon'ble Mr. J. N. ATKINSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 22nd May 1908.
No.—428, Public.

Pages 7 and 10. In paragraphs 8 and 10 of my letter No. 222, Public, dated 13th March 1908, regarding the formation of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, it was intimated that a further report would be made on the proposals of the Government of India,—

(1) for the election of a great landholder to represent the Madras Presidency in the Imperial Legislative Council;

(2) for the election of two Muhammadans to represent the Madras Presidency in the Imperial Legislative Council, when it falls to this Presidency to elect them under a scheme of rotation; and

(3) for the election of Muhammadans to the Provincial Legislative Council.

Page 7. 2. In paragraph 8 of my letter, it was remarked that the criterion of the amount of land revenue paid can scarcely be applied in this Presidency for reasons which would be explained in the promised further communication.

3. It was evidently as affording a rough and ready indication of the extent of a man's income from landed property and of the influence which attaches in India as in other countries to that species of property that the Government of India suggested payments of land revenue as the basis of the franchise; but merely to take the figures of land revenue payments as they stand would lead in this Presidency to results such as that described in the following paragraph.

4. There are many zamindars whose peshkash was not fixed with reference to the assets of their estates. The Maharaja of Jeypore, with a rental of many lakhs of rupees, pays a peshkash of only Rs. 16,000; the Zamindar of Udaiyárpálaiyam, whose rental is approximately one and-a-half lakhs, pays only Rs. 665 as peshkash; and the Zamindar of Marungápuri, with a rent-roll of Rs. 77,000, pays over Rupees 20,000. The comparatively unimportant Zamindar of Márungapuri would accordingly, if the payment of land revenue were adopted as the criterion, rank as a greater landholder than the Maharaja of Jeypore who owns over seven million acres.

5. Inamdars have also to be considered. The jodi or quit-rent on their villages has been fixed at various rates on various conditions. In the case of both zamindars and inamdars the amount which they pay to Government ordinarily bears a very much smaller proportion to the income which they themselves enjoy than in the case of ryotwari holders.

6. Again tenants under zamindars and under other "proprietors" of "estates" pay as such no revenue to Government, but some of them derive considerable incomes from landed property.

For Annexure to No. 13, *vide* after Enclosure 14.

7. This Government consider that income from landed property should be estimated for the purpose of determining the qualification for the franchise in this Presidency in the following manner :—

(*a*) In the case of holders of ryotwari land it should be taken as equal to the assessment paid, since the theory is that the Government are entitled to half the net produce.

(*b*) In the case of zamindars and holders of inams, shrotriems and the like, it should be taken as equal to the annual rental on which land-cess is paid *minus* the peshkash, jodi or quit-rent payable to Government.

(*c*) In the case of tenants of zamindars and inamdars, it should be taken as equal to one-third of the rental paid to the landlord in the case of lands held on ordinary tenures, on the assumption that Government take from the landlord half the net yield of the land or two-thirds of the rental.

8. There are other cases—for example, those of landholders in Agency tracts or of persons holding land under proprietors on favourable terms—in which the income would have to be estimated on the best data available, and of course the criteria suggested above do not pretend to any scientific accuracy.

9. This Government will now proceed, in the light of the foregoing remarks and of the statistics obtained by them, to state their views regarding the qualifications to be prescribed for each of the electorates dealt with in the letter of the Government of India.

I. The electorate of nobles and landowners to elect a representative to the Imperial Legislative Council.—The Government of India suggested in paragraph 14 of Home Department letter No. 2310, dated 24th August 1907, that the payment of not less than Rs. 10,000 as land revenue should give nobles and landowners a right to vote for the election of a representative of their class to the Imperial Legislative Council, and that the Provincial electorate might have a strength of 100 to 150. If an income of Rs. 10,000 from land be taken as the minimum qualification for this Presidency, the electorate would number 265, of whom 159 would be zamindars or proprietors, 39 inamdars, 66 ryotwari holders and one zamindari tenant. This Government would adopt Rs. 10,000 as suggested. It gives a considerably larger electorate for the Presidency than the Government of India contemplated; but, on the other hand, if the qualification is to be raised so as to reduce the number of the electorate, the result will be that it will almost exclusively represent one class—the zamindars, who in any case have a highly preponderating influence. The Governor in Council considers that in the first instance the elective system may be tried, and if that be found unsatisfactory recourse may be had to nomination.

II. Electorate of Muhammadans for the election of two members to the Imperial Legislative Council.—The Government of India suggested in paragraph 18 of their letter that of the four seats on the enlarged Imperial Legislative Council, which it is proposed to reserve for Muhammadans, two should be filled by election by the Provinces of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, Bombay and Madras in rotation. They also referred to a proposal that the electorate should be constituted as follows :—

(*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expanded ;

(*b*) The Muhammadan fellows of the University ;

(*c*) Muhammadans paying income-tax upon an annual income of Rs. 25,000, or paying an amount of revenue, to be determined for each province separately, which would indicate a corresponding income.

With regard to the last-mentioned class (*c*) I am to state that the number of Muhammadans whose income from land calculated in the manner indicated above

reaches Rs. 25,000 is only four for the whole Presidency. Therefore, if the representation of the landholding Muhammadans in the electorate is to be adequate, the standard must be considerably lowered. This Government would suggest an income of Rs. 3,000 from land as the qualification. There are 52 persons so qualified. There are 37 Muhammadans paying income-tax on an estimated income of Rs. 25,000 and above in the Madras City and 6 in the districts, or a total of 43 for the whole Presidency. Here too the qualification seems too high to suit local conditions. It is undesirable, in the opinion of this Government, to have too restricted an electorate. This Government would accordingly suggest, as the qualification, the payment of income-tax on Rs. 10,000. This gives an electorate of 110 payers of income-tax for the Presidency.

The number of Muhammadan fellows of the University is at present 8.

Page 11.

In paragraph 11 of my letter of the 13th March 1908, it was suggested that one seat on the Provincial Legislative Council should be reserved for a Muhammadan. Others may, of course, be elected or nominated. The electorate would therefore be about 171 * strong or rather stronger unless, as is not unlikely, the Muhammadan members of the Provincial Council were already included in class (*b*) or (*c*). The Government of India's alternative suggestion that the Muhammadan Provincial members of the Imperial Council might be elected by the Muhammadan members of the Provincial Council is open to the objection that, under the proposals of this Government, there might be only one Muhammadan member of the Provincial Council.

* (*a*)	.. ..	1
(*b*)	.. ..	8
(*c*) 1	.. ..	52
(*c*) 2	.. ..	110
	Total ..	171

III. Muhammadan electorate for the Provincial Legislative Council.—In paragraph 17 of their letter the Government of India suggested that a certain number of seats on the enlarged Provincial Legislative Council should be reserved for Muhammadans and filled by election. They suggested that the electorate should consist of the following persons:—

(*a*) All who pay land revenue in excess of a certain amount to be fixed on a consideration of the circumstances of the province, but "sufficiently low "to embrace the great body of substantial landholders";

(*b*) All payers of income-tax;

(*c*) All registered graduates of an Indian University of more than five years' standing.

For the first class, those who derive their income from land, His Excellency the Governor in Council proposes that the qualification should be an income of Rs. 500 calculated in the manner already indicated. There are 521 persons so qualified. In regard to the second class, payers of income-tax, I am directed to state that there are 2,298 Muhammadans assessed to income-tax in this Presidency, and His Excellency in Council considers that in order that the land-owning class may not be entirely swamped by other classes the qualification for these latter should be the payment of income-tax on an income of not less than Rs. 2,000. There are 157 Muhammadans so qualified in the Madras City and 630 elsewhere, making a total of 787 for the Presidency.

† (*a*)	.. ..	521
(*b*)	.. ..	787
(*c*)	.. ..	64
	Total ..	1,372

There are 64 Muhammadan graduates of the Madras University of more than five years' standing. The number of graduates of other Universities is not ascertainable. If the proposals of this Government are adopted, the electorate would number 1,372.†

Annexure to No. XIII.

ANNEXURE

TO

LETTER No. 418, PUBLIC, DATED 18TH MAY 1908.

OPINIONS.

		PAGES
I.	The Hon'ble M.R.Ry. Diwan Bahadur R. V. Srinivasiar, C.I.E., Inspector-General of Registration	217 & 218
II.	The Hon'ble Raja Vairicharla Virabhadra Razu Bahadur Garu, Zamindar of Kurupam	218–221
III.	Ghulam Muhammad Ali Sahib Bahadur, Prince of Arcot ...	221–225
IV.	The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, Member of the Viceregal Legislative Council	225 & 226
V.	Khan Bahadur Ghulam Muhammad Sahib Bahadur	226 & 227
VI.	M.R.Ry. Diwan Bahadur C. Ramachandra Rao Sahib Avargal, High Court Vakil, Madras	227 & 228
VII.	The Hon'ble K. R. Guruswami Aiyar, High Court Vakil and Member, Legislative Council, Madras	228–239
VIII.	The Hon'ble B. Narasimheswara Sarma Garu, Member, Legislative Council, Madras	239–243
IX.	M.R.Ry. K. Venkata Rao, Pleader, Bellary	243–246
X.	M.R.Ry. K. P. Raman Menon, High Court Vakil, Calicut ...	246 & 247
XI.	M.R.Ry. J. T. Srinivasagam Pillai, Chairman, Tinnevelly District Association	247 & 248
XII.	The President, Non-caste Dravidian Mahajana Sabha, Madras...	248 & 249
XIII.	E. Scott, Esq., I.C.S., Collector of Anantapur	249–251
	(1) M.R.Ry. K. V. Srinivasa Aiyangar, Treasury Deputy Collector, Anantapur	251–254
	(2) Muhammad Bazlullah Sahib Bahadur, Head-quarters Deputy Collector, Anantapur	254 & 255
	(3) The Rev. W. H. Campbell, London Mission	255 & 256
	(4) M.R.Ry. P. Adimurti Rao Garu, Chairman, Municipal Council, Anantapur	257 & 258
	(5) M.R.Ry. Hatti Siva Rao, Pleader, Anantapur	258 & 259
	(6) M.R.Ry. P. Kesava Pillai, Pleader, Gooty	259 & 260
	(7) M.R.Ry. T. Sivasankaram, Pleader, Penukonda	260 & 261
XIV.	Cuddapah District—	
	(1) M.R.Ry. N. Narasinga Rao Garu	261–263
	(2) M.R.Ry. T. M. Narasimha Charlu, Vakil, District Court, Cuddapah	263–265
	(3) The Rev. G. H. Macfarlane	265 & 266
	(4) M.R.Ry. N. Venkatramana Rao Garu and M.R.Ry. R. Venkataswami Nayudu Garu, Pleaders and Landholders, Madanapalle	266 & 267
	(5) M.R.Ry. T. Vasudeva Rao Garu, Tahsildar of Vayalpad...	267 & 268
	(6) M.R.Ry. H. Seshagiri Rao Garu, Acting Tahsildar of Jammalamadugu	268 & 269

		PAGES
	(7) M. S. A. M. Munjun Miah	269
	(8) The District Forest Officer, Cuddapah	269 & 270
	(9) M.R.Ry. V. Ramaswami Aiyar, Treasury Deputy Collector, Cuddapah	271
	(10) M.R.Ry. P. Doraiswami Mudaliyar Avargal, Pleader, Jammalamadugu	271 & 272
	(11) M.R.Ry. T. Vijayaraghavachariyar, Deputy Collector, Jammalamadugu	272–274
	(12) M.R.Ry. T Narayana Reddi Garu, Acting Deputy Collector, Cuddapah	274–276
XV.	Khan Bahadur Muhammad Khadir Navaz Khan Sahib Bahadur, Collector of Kurnool	276 & 277
XVI.	Nellore District—	
	(1) M.R.Ry. V. Parthasarathi Chetti Garu, Head-quarters Deputy Collector, Nellore	277–279
	(2) J. G. Burn, Esq., Acting Sub-Collector, Gudur division ...	279 & 280
	(3) The Rev. D. Downie, American Baptist Mission, Nellore ...	281
	(4) M.R.Ry. B. Pattabhi Rama Reddi Garu, Buchireddipallem, Nellore taluk	281–283
	(5) Madras Muhammad Husain Sahib Bahadur, Registrar of Nellore	283–287
	(6) Moulvi Muhammad Assaudin Ahmed Sahib, Kazi of Nellore	287–289
	(7) M.R.Ry. T. V. Venkatrama Aiyar, High Court Vakil and Chairman, Municipal Council, Nellore	289–298
XVII.	P. A. Booty, Esq., I.C.S., Collector of Chingleput	299–301
	(1) The Rev. A. Andrew, United Free Church of Scotland Mission, Chingleput	301–303
	(2) M.R.Ry. P. Ramanuja Chariyar Avargal, Chairman, Municipal Council, Chingleput	303–305
	(3) C. Gahan, Esq., Treasury Deputy Collector, Saidapet ..	305–307
	(4) M.R.Ry. M. V. Narayanaswami Pillai, Deputy Collector, Tiruvallúr	307 & 308
	(5) M.R.Ry. Rao Bahadur K. Jagannadham Chetti Garu, Chairman, Municipal Council, Conjeeveram	308–310
	(6) M.R.Ry. D. B. Venkatasubba Rao Avargal, Tahsildar of Madurántakam and Zamindar of Chinnakandali, Salem district	310 & 311
	(7) M.R.Ry. R. S. Visuvasam, Headmaster, United Free Church Mission High School, Conjeeveram	311 & 312
	(8) The Rev. C. H. Monahan, Superintendent, Wesleyan Mission, Tiruvallúr	312
XVIII.	Salem District—	
	(1) M.R.Ry. J. S. Sivagnanam, Deputy Collector, Námakkal ...	312 & 313
	(2) „ M. Doraiswami Reddiyar Avargal, Zamindar of Námakkal Estate, Member, Taluk Board, Námakkal ...	313 & 314
	(3) M.R.Ry. A. Lakshmayya Raju	315 & 316
	(4) „ M. R. Sambiah Pant, Zamindar of Jagadevi ...	317
	(5) „ V. Nilakanta Mudaliyar, Contractor, Hosúr ...	318
	(6) „ U. Venkata Rao, Pleader, Krishnagiri	318–320
	(7) „ K. Seshagiri Rao, Mittadar of Kambainallur ...	320–322
	(8) Rev. A. Moses, Minister, Tiruppattúr	322 & 323
	(9) M.R.Ry. T. Adinarayana Chettiyar	323

I

Letter—from the Hon'ble M.R.Ry. Diwan Bahadur R. V. Srinivasiar Avargal, c.i.e., Inspector-General of Registration.
To—the Chief Secretary to Government.
Dated—the 20th February 1908.

In reply to letter, dated 27th November 1907, asking for my opinion on a memorandum drawn up regarding certain "Reform proposals," I have the honour to submit the following observations, with apologies for the delay.

2. On the question of the formation of an Imperial Advisory Council, my opinion is that the inclusion therein of ruling chiefs will not be a desirable measure. In the first place, I do not think that ruling chiefs, even of small States, would be found willing to be associated with territorial magnates, however high the position of the latter. In the second place, I doubt whether in matters affecting the internal administration of British provinces, the ruling chiefs would be able or willing to give much useful advice. Their delicate political relations with the paramount power might prevent most of them from expressing their opinions freely, if they should imagine that their opinions would run counter to those of Government. In the third place, I do not think that much can be expected from them as "an agency for the diffusion of correct information upon the acts, intentions and objects of Government," which is one of the useful services expected from this council.

I should therefore exclude the ruling chiefs from this council, and include therein retired Government officials who held high offices in the State as Judges, Commissioners of divisions and representatives of large commercial and industrial interests and acknowledged leaders of the people, who command the respect and confidence both of the Government and the people at large. My impression is that a council composed of the territorial magnates alone will not possess that knowledge which would enable it to form correct opinions regarding measures which would be referred to them by Government.

3. The above remarks apply also to the Provincial Advisory Councils; but in the case of these councils, I should suggest that an element of election may be introduced with advantage. If at least one-half of the members are allowed to be elected by the people, the council would serve better than otherwise, as a consultative agency in touch with the people, and as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

4. On the question of the constitution of the Imperial Legislative Council, I have no remarks to offer.

5. In regard to the proposed scheme for a reform of Local Legislative Councils, I beg to submit as follows:—

It seems to me that the principle of class, caste or creed representation is carried too far.

A Brahman as such has no special interest to serve. It is not clear what kind of persons should be returned under classes (*g*), (*h*), (*i*) and (*j*), who are not vakils or landowners of citizens of Madras. There appears to be some inconsistency between the restrictions laid down in (*b*) of the scheme and the property qualification laid down in IV (*b*) of (*d*).

There will be practical difficulty not only in respect of classes (*g*), (*h*) and (*i*), but also in respect of class (*d*), if the electorate therefor is to include all Barristers, Vakils and legal practitioners in mufassal courts also; and there will be complaint if they are excluded.

I should suggest that leaving classes (*b*), (*c*) and (*e*) as proposed, 10 or 9 seats may be thrown open for election by local areas, the districts being divided into as many groups, and on the result of the election, the remaining number of 3 or 4 seats may be filled up by His Excellency the Governor, by nomination for the representation of special interests or communities, which might not be otherwise represented.

I am much in favour of increasing the number to be returned by local areas, and reducing their extent as much as possible, as my experience has shown that as a rule, people have their sympathies limited to men, measures, and things comprised within the narrow spheres of their activity and observation. To constitute electorates each comprising three or four districts, the leading men in which do not know one another, and who have no common local interests, will not, I fear, ensure proper representation. The election will, in such cases, get more into the hands of wire-pullers than when the electorate is small and the merits of candidates are personally known to the voters.

II

Letter—from the Hon'ble Raja VAIRICHARLA VIRABHADRA RAZU Bahadur Garu, Zamindar of Kurupam.
To—the Chief Secretary to Government.
Dated—Waltair, the 27th February 1908.
No.—1426.

I have the honour to acknowledge receipt of your letter dated the 22nd November last, together with a memorandum inviting my opinion on the several questions raised in the letter No. 2310, dated 24th August 1907, from the Government of India, Home Department (Public), regarding the establishment of Imperial and Provincial Advisory Councils and the enlargement of Legislative Councils.

On behalf of myself as well as of the landowning classes of country at large, I beg to express my heart-felt thanks of the Government for the generous and liberal spirit that prompted it in proposing to assign them a place in the councils of the Government of India and of the Local Governments. The Government is pleased to admit, and rightly, that the landholding interest is one of the most important in the country, that under existing arrangements it has not found adequate representation in the councils of the land, and that opportunities should be invited for the purpose of ascertaining from direct sources the means by which such interest is best safeguarded.

Indeed the Government has always, in a very statesmanlike manner, recognized the necessity for associating landholders with themselves in the Legislative Councils and where the elective principle has not conduced to landholders being returned to the council has found means for admitting them by a system of nomination. Under the new scheme it is a matter for great gratification for landholders to find that they are assigned a conspicuous part not only in the enlarged Legislative Councils but also in the Advisory Councils, both Imperial and Provincial.

Coming first to the Imperial Advisory Council, I do not here propose to discuss its utility, as under paragraph 1 of the Government of Madras annexure, I am supposed to offer my remarks on the assumption that the Advisory Councils are likely to serve a useful and valuable purpose. Regarding its constitution, I have the honour to observe that it would serve a highly useful purpose if opportunity were given not merely to the great landholders as provided in the scheme, but also to the representatives of various other important interests in the country, such as the industrial and commercial (to speak of a few) to come into close touch with the officers of Government and interpret the Government and the people to one another. This might tend to make it superfluous for the Imperial and Provincial Advisory Councils to exist side by side, but if the Imperial Advisory Council even as it is proposed to be constituted serves any purpose different from that served by the Provincial, I am inclined to think that it should be a central body reflecting every detail of the constitution and functions of its various branches in the provinces. To this end it is highly desirable that all the various classes and interests represented on the Provincial Councils should also find a place on the Imperial, much in the same manner in which the Imperial Legislative Council as at present resembles in constitution and functions the various provincial bodies from which it is partly recruited. The creation of the Advisory Councils is, as can be seen from the Government order now under reference, due to a benevolent intention on the part of the Government to govern the people according to their real wishes as can be ascertained by a contact with the representatives of all classes of the people in a manner

not hitherto secured by the system of interpellation now obtaining under the rules for the conduct of legislative business. But one cannot refrain from observing that this end cannot be adequately served if the constitution of the Imperial Advisory Council is confined to the ruling chiefs and the great landholders and its functions confined to offering advice on matters on which it is specifically consulted. While therefore suggesting as I did above that not only the aristocratic element but along with it every important interest in the land should be properly represented on it, I further venture to urge that it must be made something more than a merely consultative body, that it should have the power of initiative in all matters on which its members are supposed to offer advice, that it should meet more frequently than do the present Legislative Councils, that a reasonable proportion of its members be returned by election, and that its proceedings should be published for the information of all interested. This last mentioned course is all the more necessary in view to securing that highly laudable object of "diffusing correct information as to the acts, intentions and objects of Government", which is the principal motive with which Government have elaborated the present scheme. Informal discussions on public matters such as have been resorted to all along have served their purpose, and as Government are solicitous of giving them something like an organisation with a view to follow up the good to which they have conduced, it is highly desirable that such an organisation should be more democratical in its character and that those who take part in it have a freer hand in performing the functions which devolve upon them.

I therefore beg to suggest that all landholders who pay an annual peshkash of Rs. 15,000 should be given an opportunity of representing their class on the Advisory Council of the Viceroy. So far as the Madras Presidency is concerned there are only about zamindars with this qualification, and it is therefore not altogether just to circumscribe the standard still closer and shut out the majority of landholders from participation in a privilege of this importance. It might be said as an objection to this that the ruling chiefs will consider it a compromise of their dignity if they are asked to sit in the same Council with small landholders and with the representatives of the people. But if one of the objects of the scheme is to make it possible for all classes of people to have access to Government, it cannot be achieved if the Council is confined to the aristocracy alone. The same object with which the ruling chiefs are proposed to be admitted into the Councils of the Viceroy can be very nearly and in some respects far better served by the ruling chiefs being offered the option of sitting in the Council themselves or of being represented by their prime ministers or other representatives

As regards the work that may be devolved on the Advisory Councils, it will, as proposed by Government, be in the nature of offering advice on matters which will ultimately take legislative shape. These Councils will be the medium by which Government will probe into the feelings and sentiments of the people and determine upon a course of action which is calculated to find favour with every important community likely to be affected by it. Of course the Imperial Council will take cognizance of Imperial as well as Provincial questions, while the Provincial Advisory Councils will confine their activities to matters affecting local administration.

As regards the Provincial Advisory Councils for this Presidency, I venture to suggest the following constitution:—

(*a*) Proprietors of permanently-settled estates paying an annual peshkash of Rs. 7,500 and above	10
(*b*) Inamdars and ryotwari proprietors paying a land revenue of Rs. 2,000 and above	5
(*c*) Representatives of commerce	4
Do. industry	3
(*d*) Other professions	2
(*e*) Retired Judges of the High Court and other high officers	3
(*f*) Others	3
Total ...	30

If my proposals, contained in the above paragraphs for the constitution of the Imperial Advisory Council on a wider basis than is proposed by Government, be found acceptable, the number of members composing that Council may be fixed at double the number proposed for the Provincial Councils. It might also be provided that if any member of the Councils coming under (*a*) and (*b*) of the scheme proposed above happens to be a registered graduate of some standing, his property qualification could be half of what it would be otherwise. Such a concession would tend to encourage a desire for higher education among the land-owning classes, while due prominence will have been given to a literate qualification in the composition of such important Councils. Of course as in all similar schemes an age limit will be fixed for the members at, say, 25. In view to the importance of the functions that devolve upon the Advisory Councils, I have in the above paragraphs consistently kept in sight the necessity of letting the privilege of admission into them filter down to the middle classes, at the same time not forgetting the importance of the stake which the classes claiming representation on them should possess in the country. If Government are solicitous of extending local self-government to the extent that is justified by the spread of education and the "indubitable proof which natives of India have in the view of the Government given of their intellectual fitness for employment in the administration of the country," a scheme like the one proposed by me will perhaps be admitted to meet the requirements of the case more or less adequately. It will be yet another fitting reward for the capacity exhibited by the natives of the country for self-government to invest them with the power of electing a fair proportion of the members of the Council.

The next question on which I am called upon to express an opinion is the constitution of the Imperial Legislative Council. I am not prepared to dispute the wisdom contained in the Government of India's proposal to preserve a distinct majority of official over non-official members that compose the Legislative Councils of the land. But in the scheme proposed by the Government in paragraph 12 of the order one is struck by the omission of a provision for due representation of the important industries of the country unless they are intended to be brought under the small class (*e*). For instance, while provision is made for the admission of seven landowners into the Council no place is assigned to the industrial classes or large employers of labour who are just beginning to become a special feature of the country at the present day. It is therefore recommended that not only the agricultural but the various other industries now springing up in the land or have already shown signs of a vigorous growth should find representation on the Legislative Councils in proportion to the number of people to which they give or are likely to give sustenance. As for the representation of the landholders on the Imperial Legislative Council the Government of India's proposal to assign each province a representative will meet the requirements of the case most admirably I have only to observe in this connection that the term "landowners" occurring in the scheme is not sufficiently clear to apply exclusively to zamindars, which I presume is what Government intend. As it stands, the term would include ryots as well, whose interests often conflict with those of landholders, make it impossible for them to represent that class in the Council. The mode of election might be arranged on something like the following basis:—

All landholders in each province with a specified annual rental of, say, Rupees 15,000 and half that in case of registered graduates might constitute an electorate for returning a member once in five years. The system of ballot might in all cases be safely resorted to. In the case of this Presidency the ballot might take place at Madras which occupies a central position between the northern and southern districts.

Now passing to the constitution of the Provincial Legislative Council, I may at once express myself in full agreement with heads (*a*) to (*f*) of the scheme laid out by Government. Only I would reserve nomination by His Excellency the Governor under (*a*) to the very last (till all the constituencies have returned their members) so as to enable His Excellency to ascertain which classes have been inadequately represented before nominating members to represent these classes.

As for (*g*) to (*j*) I am inclined to think that such a mode of election will serve no useful purpose, while at the same time it will be fraught with evil in many instances. For the various castes and creeds that compose the Indian population have, despite

their social and religious divergences, no political differences among themselves such as should be recognized by constituting each into a distinct electorate. While therefore it will not be in the fitness of things for Government to deem the castes as standing in need of, or deserving political recognition, such a step will further tend to accentuate and, so to say, legalize class distinctions and add another edge to a weapon which is admitted on all hands to be sufficiently dangerous already. At the same time no case has been made out for disfranchising the District Boards and Municipalities in the manner proposed. They have exercised the privilege of electing members to the Legislative Councils on the whole satisfactorily and any faults in the existing system may be remedied by constituting these bodies on a different and more satisfactory basis. If a better system is at all needed it may be secured by substituting for the manner of election proposed under (*g*) to (*j*) a more extended territorial representation at the rate of a member for two districts, roughly, to be selected by a constituency formed of persons paying income-tax on an income, say, not less than Rs. 5,000 a year.

The necessity for territorial representation of this sort becomes manifest when it is remembered that by education and training the natives of the country are gradually becoming more and more qualified to take part in the administration of the country and that the time has come when Government should recognize the claims of the educated classes by affording them wider opportunities for serving the country and the Government. If this proposal is accepted it will render class (*d*) needless, as it will provide for a sufficient number of vakils to be returned. I may observe in passing that a restriction such as is sought to be imposed on the number of vakils on the Legislative Council is not altogether well advised, seeing (1) that the existing system under which members of Council are elected has not placed the other professions under any special disability, (2) that if vakils have hitherto been returned in larger numbers than others it is because they have proved by their influence and capacity to be more deserving of the suffrage than others and (3) that the past history of the Legislative Councils proves beyond doubt that in the hands of vakil members of Council all important interests in the country have found adequate representation and no case has been made out for divesting them of the privilege which they have all along exercised to the benefit of the country at large and (4) following the example of other constitutional Governments, a fair proportion of lawyers is indispensable in an assembly for making the laws of the country.

It only remains for me to add my hearty approval of the proposal to give members of Councils wider opportunities for discussing the budget than are available under the existing system. The proposed scheme which the Madras Government has just this year begun to put on hand will give members a greater insight into the working of the budget of the province and enables them to offer their remarks on the several items composing it with a closer knowledge of the details of the financial policy of Government and of the reasons underlying them in each case.

III

Letter—from Ghulam Muhammad Ali Sahib Bahadur, Prince of Arcot.
To—the Chief Secretary to Government.
Dated—the 18th February 1908.
No.—97.

I have received the copy of letter No. 2310, dated the 24th August 1907, from the Government of India, Home Department (Public), together with a memorandum drawn up by order of His Excellency the Governor in Council.

I feel thankful for the opportunity accorded to me of expressing my opinion on the questions raised in the memorandum.

On going through the important letter I am struck with the amplitude of opportunities proposed to be given to the various peoples of India of expressing what they think sincerely, in quite, an informal way on questions relating to administration in general Every one of the proposals contained in the letter is redolent of the genuineness of the best intentions and solicitude of the Government to rule the country having the " best mind " of its peoples in its confidence. It was

distressing to see, in public print, that the measures received such adverse criticism. Great dissatisfaction manifested itself in various quarters. The so-called dangers of the new system have been, I am led to believe, very greatly exaggerated. All this trouble arises from an idea that the proposals now laid before the public contemplate the accentuation of caste differences inasmuch as a differentiation based on class and caste is to be maintained.

Again there is a cry against the ruling chiefs being included.

With regard to caste basis I am inclined to think that it is the duty of a benign and liberal Government to rule its peoples as it finds them respecting their traditions and fundamental beliefs. It is one thing to say from the platform and press with all polish that the advanced classes have done away with the rigid observance of caste and that the institution itself is fast dying away. But actually we find the masses quite unaffected. Even amongst the educated classes the bitter animosities and petty jealousies appertaining to caste and its variations find place and prominence. In the mufassal caste is so rigid that differences between caste and caste have a glaring halo of acrimony about them. As things at present exist it is impossible not to recognise the importance of caste. Until India could metamorphose itself into one homogeneous mass of national unity devoid of caste and its multiformities it will be the constant concern of Government to see that one caste does not preponderate over another either in influence or in the monopoly of benefits. The fostering hand of the State is very necessary to save the non-influential castes from sinking into oblivion devoid of any sort of State recognition so far as the State assemblies of deliberation are concerned.

In respect of the ruling chiefs, the main objection seems to be that these being merely the creatures of Government their advice would be absolutely worthless as it would not be characterised with anything like independence and as it would always be in conformity with the intentions of Government.

Another objection raised is that the inclusion of them would entail heavy expenditure in the shape of travelling expenses, the burden of which would eventually fall upon the poor tax-payer.

A third objection is seen in the supposition that the ruling chiefs themselves will not consider membership of the Advisory Council as in anywise adding to their dignity.

Now, I consider that the Government is quite right in taking the ruling chiefs into its confidence, as they constitute the most important and influential section of Indian polity. The ruling chiefs as a class are not what they were a decade or two ago. They have received good training under competent tutors during their non-age commensurate with their huge responsibilities and they have taken good care to supplement the knowledge thus acquired by means of wide travel in European countries and acquire a wider understanding of men and things. They have reformed their respective States on the British administrative model. With such culture and improvement they are in my opinion in every respect competent to give wholesome advice on matters administrative. With regard to the independent character and value of their advice I am inclined to think that the nature and scope of the constitution of the Imperial Advisory Council is such as to elicit their honest and unvarnished opinion on subjects proposed to them. The Council having no legislative recognition and its proceedings being "private, informal and confidential," so much so, that the communications on administrative measures being more of a friendly character, I am perfectly sure that expression of opinion, on matters calculated to improve the administration, to make it thoroughly popular and its lasting benefits permeate through the whole ramifications of the Indian mass of population, on the part of the ruling chiefs, will always be characterised with honesty of purpose and genuineness of sympathy quite independent of the Government's approbation or disapprobation. In matters of public interest, more especially relating to its own administration, Government seeks advice to be enlightened and to avail of it if it is apt and sound. In such a case the value of the advice will be great in the estimation of Government when it is offered honestly, sincerely and independent of all other

considerations. This the ruling chiefs with their present culture could quite see and no fear need be entertained of their advice smacking of a slavish and meek submission to the views of Government.

Next the members of the Imperial Advisory Council will be consulted individually or collectively and generally by means of letter. Thus all the twenty ruling chiefs constituting the council would not be called together. In fact I believe they will not be put to constant travel on this account. Very occasionally it might so happen that one or two of them may be called. This would not entail any heavy expenditure as such calls would, I believe, be purely informal and private and the chiefs on such occasions need not take a large retinue nor have recourse to all paraphernalia incidental to State and formal visits. The tax-payer need hardly suffer on this account.

With regard to the third objection I am of opinion that the proposal need not confer any further dignity to the ruling chiefs making their dignity more dignified. It is, as I think, the importance of their very dignity that confers upon them the privilege contemplated by the proposal. Their position as ruling chiefs conversant with the methods of administration in their own respective States entitles them to the confidence of Government. Thus the objection seems to my mind more or less imaginary.

The Imperial Advisory Council, the House of Lords of India in embryo, need not necessarily have any legislative recognition at present as it is in its experimenal stage and until it could impress the Government with its utility it may so remain.

Among the members constituting the Imperial AdvisoryCouncil might be included Political pensioners of sufficient weight and status whose ancestors have contributed mostly to the building up of the British Indian Empire. Title-holders (K.C.S.I.'s. and C.S.I.'s.) of recognised merit and acumen might as well be taken in thus giving the council a wider range. It is needless for me to point out that out of the sixty Imperial Councillors a fair proportion of them should be Muhammadans whose "political and historical importance" is such as to entitle them to due recognition by Government in all its deliberations and to the confidence of Government.

As the councillors are eligible for re-appointment five years' term of office seems to be too long. I would reduce it to three years so as to give a fair chance to others eligible for appointment.

It is hoped that with all the limitations placed on the constitution and work of the council, it will be largely availed of by Government to become impressed with the utility of it.

It is stated in the memorandum drawn up by order of the Governor in Council that "the Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25." I would fix the number at 30, just half the number constituting the Imperial Advisory Council. Since all interests of sufficient importance have to be represented and since the Imperial Advisory Council represents merely the great landholders in the main, the Provincial Advisory Council should be large enough to admit representatives of smaller landholders, industry, commerce and professional classes. Suggestions are thrown in certain quarters that the constitution of a Provincial Advisory Council may be deferred till the expectations formed of the Imperial Advisory Council are realised. I do not see how the Provincial Advisory Council would be baneful to the interests of the Provincials if it is brought into existence simultaneously with the Imperial Advisory Council. Just as questions of Imperial importance will be submitted for opinion to the Imperial Advisory Council, so questions of Provincial importance will be submitted to the Provincial Advisory Council for opinion. The members of the Imperial Advisory Council are selected from all India. The interests represented by it will necessarily be very limited. Hence it is necessary that the Provinces should have a body of advisers "chosen upon a wider basis" for the purpose of consultation upon all important measures.

All the Provincial Advisory Council members should be appointed by His Excellency the Governor. Many of the smaller landholders (zamindars, etc.), as we find to-day, are quite competent to grasp the details of administrative policy and offer

advice upon questions of moment relating thereto or any question affecting the populations of the Province by virtue of the liberal education vouchsafed to them by the Court of Wards during their period of minority. Arts, trade and profession should be represented. C.I.E.'s., Diwan Bahadurs and Khan Bahadurs of approved merit may also be taken into the Council.

In the case of the Provincial Advisory Council as well the members should hold office for three years as I have stated in connection with the Imperial Advisory Council. In every Province I would hold that a fair number of Muhammadans is taken into the Council in proportion to their number, position and influence.

Enlargement of the Legislative Councils—Imperial Legislative Council.—The characteristic feature being an official majority as a "necessary consequence of the nature of the paramount power in India," it follows that the non-officials will necessarily be limited. In the scheme proposed there are 54 members, of which official number is 29, the remaining 25 being non-officials. There can be no objection to this. Of the 26 non-officials, 4 will be Muhammadans, 2 nominated and 2 elected. I think this is a fair proportion, though I am inclined to add one more. But there is some hope entertained of the possibility of a certain number of Muhammadans being returned under sub-head (*b*) of head D from the Provinces of Eastern Bengal and Assam and the Punjab. Thus I am hopeful that there will be a fair representation of Muhammadan interests.

With regard to electorates I perfectly agree with the principles laid down in respect of special Muhammadan electorate, namely :—

(1) "All who pay land revenue in excess of a certain amount."

(2) "All payers of income-tax."

(3) "All registered graduates of an Indian University of more than, say, five years' standing"

The general condition of the Muhammadan community not being very affluent, there is every justification for a special electorate.

But with regard to the general electorate I consider the property qualification to be too high. There seems to be a preponderance given to wealth as if it is the only interest that requires representation. This standard would prevent the "great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence" from being represented in Council by one of their own class.

I would have the electorate in proportion to the density of population, reducing the property qualification. I would have the registered graduates of Indian Universities, as well, of, say, five years' standing, constituting the electorate. This would be a sufficiently wide electorate for all intents and purposes. This will ensure satisfactory representation.

In the case of Provincial Legislative Councils the observations made in regard to the Imperial Legislative Council electorates will in general hold good.

In the scheme proposed there shall be 17 non-official members in the Madras Legislative Council. I am of opinion that with an official majority always, the 17 non-official members may safely be increased to 20 as I see no place is given to tenantry in the zamindari estates and as there is an amusing combination of barristers, advocates, vakils or certificated pleaders returning one member only. In a big zamindari there is always an influential tenantry who need representation. The tenantry and landowners may be made to return one member in addition to the zamindars returning two members. The barristers and advocates may have one member and the vakils and pleaders another member. There is only one Muhammadan member in the scheme. I should think there should be at least two Muhammadans for the whole Presidency. This is, I think, fair. Of these two, one should be nominated by His Excellency and another elected by Muhammadans. Owing to the difficulty noticed in (*e*) of the scheme in the memorandum, I think it is very apt that His Excellency the Governor should be empowered to nominate a Brahman, a Muhammadan and a Christian in addition to his nominating two members, of whom one shall always be a non-Brahman, that is, other Hindu.

The property qualification being a high one for the Presidency, I would propose either a reduction of the same in proportion to the population of each class is made or literate qualification insisted. If graduates of sufficiently long standing, say, five years, are permitted to vote, the difficulty of high property qualification would be adequately counteracted.

Election of members of Local Boards.—To the remarks, under this head, in the memorandum there can be no objection. Of course the consideration of the question may better be deferred. I would, however, submit, in addition, that the Local Boards need a distinct constitution on the whole. In this case it will be needless to insist upon caste representation. The claim of landed interest to a larger share in local affairs may be recognised and maintained and non-official majority instituted.

The Budget debate.—The improvement suggested seems to be wholesome inasmuch as the debate is likely to be ampler and would embrace every detail. The beneficial influence of the improvement is seen in the inclination of the Government to modify its financial arrangements or "alter the budget actually under review in the light of the remarks made in the course of the ampler and more practical discussion" as at present contemplated with reference to the budget. Whatever might be said against the proposals for "the ampler and more practical discussion" of the budget it cannot be denied, indeed, that the step is really an improvement. Although no immediate definite advantage could result from the proposals, yet a fuller discussion is likely to bring to light facts which might be of immense value to Government in guiding its financial policy. This everybody will admit is impossible under the present defective practice prevailing 'under the existing regulations".

IV

Letter—from the Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, Madras.
To—the Chief Secretary to Government.
Dated—the 21st February 1908.

I have the honour to acknowledge receipt of your letter, dated the 22nd of November 1907, regarding the formation of Advisory Councils and the enlargement of the Imperial and the Provincial Legislative Councils. The idea is a happy one and the thanks of the country are due to His Excellency Lord Minto's Government for taking the people of the land into confidence in matters connected with the administration of the country. I approve of the scheme generally and I have only a few suggestions to make. Though the Advisory Councils are not given statutory recognition, still they should be given some definite existence, the class of subjects to be consulted and the number of times they should meet being determined now, so that it may not be within the power of any one on any future occasion to nullify the noble object with which they are now formed, by not summoning a council or by not consulting them at all, and even if they are consulted by not consulting them on important questions. If Government acts against the advice of the council, its reasons for doing so should be recorded.

It is not necessary nor desirable to have ruling chiefs in the Advisory Council. There is nothing in common between them and the subjects of the British Government. They copy British institutions and methods or are made to do so. Their natural instinct will be not to suffer by comparison and their advice is not likely to be conceived in a liberal spirit as their own subjects will demand at least what the people in British territory enjoy.

Some of the members of the Advisory Council may be elected by the people as the object in view is to ascertain popular opinion and needs.

As regards the expansion of the Imperial and Provincial Legislative Councils, any real improvement on the existing system can only be, if officials are free to vote on questions according to their individual convictions without their being bound by mandate to vote on the side of Government.

The scheme proposed for the constitution of the Madras Legislative Council strikes a new path of its own. Representation should not be caste or class representation, but territorial as far as possible. I would suggest the following :—

To be selected by—	
(*a*) Merchants	1
(*b*) Graduates	1
(*c*) Zamindars	1
(*d*) The Madras Municipality	1
(*e*) Muhammadans	2
(*f*) The districts outside Madras	8
(*g*) Nominated by His Excellency the Governor	3
Total	17

V

Letter—from Khan Bahadur Ghulam Mahammad Shaib Bahadur.
To—the Chief Secretary to Government.
Dated—the 20th February 1908.

With reference to your demi-official, dated 22nd November 1907, forwarding for my opinion a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council, I have the honour to state that it is my sincere belief and conviction that the measures proposed are generally such as will no doubt give the peoples of India wider opportunities of expressing their judgment on administrative matters. The broad principle laid down in distinct terms that " no scheme of constitutional reform would meet the real requirements of the present time, which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men, who under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence", would satisfy the most ardent critic of the existing form of administration. The recognition of the fact that, in a country like India divided by a thousand castes and creeds at variance with one another, " any electoral representation would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent," is such as will set at rest the fear of the minor communities that their interests are ever destined to be swamped by the large Hindu majority. While thus mainly concurring in the principles on which the reform proposals are based, I desire leave to invite your attention to some minor details in which perhaps a few amendments may be introduced without violating the intentions or weakening the influence of the British Government.

2. In the Imperial Advisory Council, I would respectfully suggest that a small number of seats may be left open to be filled by election, say a fifth or a sixth part of the total number. The privilege of election may be given to the non-official members of the Imperial Legislative Council, while the qualifications of the candidates for election may be fixed high enough to ensure the election of a person worthy of a seat amidst the ruling chiefs and territorial magnates of the land. Similarly, a small number of seats in the Provincial Advisory Councils may also be left open to election. This will go a great way to popularise the Advisory Councils which are now being criticised in certain quarters as a great purposeless sham. It is also desirable that the principle of class representation be extended to the Advisory Councils (Imperial and Provincial) and that, in all Advisory Councils there should always be a number of members belonging to the minor communities sufficiently large to represent their interests. I would also like to give the privilege, to the Advisory Councillors, both Imperial and Provincial, of making suggestions and offering opinions on all matters of public welfare, of their own initiative as well as at the Government's request. To ensure the reality of the proposed Councils, it may be laid down that the Councils should meet at least once in a stated period, to be now fixed by the Government of India according as it deems necessary.

3. I quite agree with the Government in the principle that the Government should have an official majority in the Legislative Councils. But I do not see why

any Ruling Chief should be nominated a Legislative Councillor. Such a nomination will be considered derogatory to his dignity ; and it will not be of sufficient interest as the Ruling Chiefs are not subject to the laws in force in British India. The seats allotted to the Muhammadan community are not sufficient. Four men cannot represent the Muhammadans of the whole of India, and judging from our experience in the past even in such Provinces as the Punjab and Eastern Bengal, where there is a Mussalman majority in population, there is no hope of Muhammadans being returned by general election, unless they sacrifice the interests of their community. I would suggest that a Muhammadan representative be taken from each province. In order to avoid invidious distinctions, I would have all the members, both of the Mussalman community and the other minor communities either elected by their respective peoples or nominated by Government, and, in any constituency created for such election, if election is permitted, I would include all the registered graduates of the Universities and such important registered public societies and associations as the Government have been accustomed to regard as representative. The standard fixed in paragraph 18 of the Government of India's letter in respect of income-tax, is too high for the Muhammadan community. I would suggest that those who pay income-tax on an annual income of Rs. 10,000 or Rs. 12,000 may be taken in the electorate instead of on Rs. 25,000.

4. I wish to say a word in respect of the provision made in the memorandnm for the representation of Muhammadans in the local Legislative Council. First to allow a single representative for the Muhammadan community—a large community of historical importance—is not fair or enough. Judging from the condition of the various departments of the Government and the electorates proposed to be newly created one is certain to have several Hindus, especially Brahmans, in the local legislature, and one Muhammadan among them will never be able to safeguard or to represent adequately the interests and views of his community. For this purpose Government should ensure the presence in the Council of at least three Muhammadans. Secondly, the qualifications of voters for election proposed by Government are too high considering the economic condition of the Muhammadan community in this Presidency. All payers of income-tax, as the Government of India has suggested or of an annual rental of Rs. 1,000, should be included in the constituency. Thirdly, all Fellows of the University, registered graduates and recognised Anjumans, should be included in the Muhammadan electorate. These being only a few in number no inconvenience will be caused to Government by their inclusion. On the other hand, such a course will go a great way to endear the Government not only to the increasing body of educated Muhammadans but also to the community at large. Lastly, I would respectfully suggest that of the three members proposed one should always be nominated by Government from amongst the historic aristocracy of the community and the other two allowed to be elected by the electorate which would be newly created.

VI

Letter—from M.R.Ry. Diwan Bahadur C. Ramachendra Rao Sahib, High Court Vakil, Madras.
To—the Chief Secretary to Government.
Dated—Teynampet, the 26th February 1908.

I beg to acknowledge the receipt of letters, dated 22nd November 1907 and 5th February 1908, and thank the Government for the honour it has done me by asking my opinion on the subject of proposed reforms in connection with the establishment of Advisory Councils and the expansion of Legislative Councils.

Imperial and Provincial Advisory Councils.—The first question directs me to assume that the establishment of Imperial and Provincial Advisory Councils is likely to serve the purposes indicated in the letter of the Government of India. As however it is my misfortune to entertain a different opinion and as it is my sincere conviction that the proposed Advisory Councils are not capable of yielding any beneficent results, I have no suggestions to offer regarding them.

Imperial Legislative Council.—The expansion of Imperial Legislative Council is a reform which would be met with welcome in the country. But, with regard to the

constitution of the said Council as indicated in paragraphs 12 to 14 of the letter of the Government of India I have got one main objection In pointing out this objection I am fully aware of the difficulties which a Government has to meet and the problems which it has to solve in governing a land of various creeds and castes.

I am fully aware of the beneficent intentions of Government but nevertheless there stands the objectionable feature of allotting four seats for Muhammadans in the Imperial Legislative Council which might be easily misconstrued and misconceived as a distinction based upon race and religion. The recognition of such a distinction is against the well-known principles of the British administration. It is my firm belief that the recognition of such a distinction will foster and perpetuate racial animosity and ill-feeling. I would therefore humbly suggest that the clause D (*d*) might be omitted and the seats thus made available may be distributed as follows:—

D (*a*) instead of " by the Chambers of Calcutta and Bombay-- 2 " have " by the Chambers of Calcutta, Bombay and Madras—3."

E " Non-officials nominated by the Viceroy—5."

Provincial Legislative Council.—With regard to the scheme laid out in memorandum in connection with the Provincial Legislative Council I beg to submit that I have got a similar objection.

The proposed constitution of the Legislative Council according to scheme is based upon the distinction of race, caste and religion. This is again contrary to the accepted principles of the British administration. I would therefore crave leave to suggest that in the scheme referred to in the memorandum, paragraph 6 (*a*), classes (*g*) (*h*) and (*i*), be omitted and that all the three seats thus made available be added to clause (*f*) which will then stand as clause (*g*) selected by all other persons—9.

VII

Letter—from the Hon'ble K. R. Guruswami Aiyar, B.A., B.L., F.M.U., High Court Vakil and Member, Legislative Council, Madras.
To—the Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 24th February 1908.

In reply to your letter dated, Fort St. George, 22nd November 1907, calling for my opinion on the questions of reform raised in the Government memorandum annexed thereto, I have the honour to submit the following observations.

2. It is a source of special gratification to know that the Government of India have of their own initiative and without any pressure from public opinion taken into their consideration the question of giving to the people of India wider opportunities of expressing their views on administrative matters. Privileges granted by Government from the beneficence of their heart are doubly entitled to the thanks of the people. Holding as I do a representative position, I may take this opportunity of stating that the people of this province who have been, soberly yet loudly and importunately, crying for years for wider privileges, deeply appreciate the sympathetic intentions of Government and eagerly look forward to the early dawn of a better political career for themselves.

Advisory Council.

3. I do not consider Advisory Councils as of great importance, and my remarks thereon will consequently be brief. The question of their constitution very much depends on their functions, and the latter, in so far as they have been defined, render the bodies, institutions of very little consequence. The main object is said to be that the intentions, motives and acts of Government, which are so often mischievously misrepresented should be correctly interpreted to its subjects. If this is the object, I fail to see how it can be successfully realised by "informal" and "confidential consultation" with "*ruling chiefs*" and "*territorial magnates*". I think that for the purpose in view these bodies should be constituted, if not on a legislative, at any rate on a formal executive basis, consist not merely of individuals of rank and affluence but also of sufficient representative importance, and do their business not by confidential correspondence or in a secret chamber, but generally in the open, and so as not to be misunderstood by the bulk of the people. Occasionally

their proceedings may have to be private according to the matter under discussion, but a formal and continuous record of their proceedings, accessible to the public, except when specially excepted, should be maintained. Their functions may be purely advisory, but it seems ungraceful to constitute a body of advisers, and compel them to give their advice only on points referred and not on points raised by their own initiative.

4. *Constitution of the Imperial Advisory Council.*—The strength of 60 members suggested for the Imperial Advisory Council is certainly not too little. "*Ruling chiefs*" and "*territorial magnates*" from the several provinces may well have their places here. But for the sake of their country they should share the seats with representatives of the smaller landholders and of the trade, the industry, and the cultivated intellect of the nation. To the special "dignity and status" of chiefs and magnates should be added the peculiar knowledge, ability and patriotism of such representatives. To the latter therefore I would reserve about half the seats if not more. As for the selection of such representatives, no special electorates or constituencies need be formed. I would leave it to Government to nominate such representatives from the various provinces.

5. *Constitution of the Provincial Advisory Council.*—To the Provincial Advisory Council the above remarks mostly apply, and I regard the total strength of 20 to 25 quite enough for this province. In nominating to it members other than the provincial members of the Imperial Advisory Council, regard should be had to the representation not only of interests and communities, but also of territorial divisions.

6. *Functions of Advisory Councils.*—It is difficult to define the functions of these bodies exactly. But as the aim of Government is to correct mis-statements and erroneous impressions and make their motives and intentions better known, the scope of consultation and advice should be as wide as the range of legislation and administration.

Legislative Councils.

7. *Official majority.*—I next proceed to deal with the Legislative Councils. With regard to these, the fundamental idea insisted on by the Government of India is that, however much they may be enlarged and placed on an elective basis, the official element should so far be allowed to preponderate as to have a paramount voice in their proceedings and wield the sceptre of authority to the exclusion of the non-official element. So enunciated the aims of the Government of India in regard to the political future of this country are as much of an extremist character as the aspirations of the ultra-swaraj politicians whose eloquence has been galvanising its political atmosphere during the last few years. I am no friend of extremism whether it proceeds from the seat of authority or the heart of the patriot. In the fulness of time I hold it, in the highest degree, possible, expedient, and equitable for the Indian and the Englishman jointly to assist His Majesty the King in wielding his sceptre over India, and so to construct its political machinery as to facilitate that object. However, in this, the second attempt made not long after the first, at constituting the Councils on an elective basis, I do not propose to offer any objection to the claim for an official majority. But I take leave to maintain that there is no just or reasonable ground for Government claiming anything more than a bare majority. I am aware that many Indians would not concede even this and would contend that the power of veto possessed by the head of the Government over the votes of the Council is an adequate safeguard for the maintenance of the power of Government. I recognise, however, that the veto is a prerogative weapon intended for rare use and that no head of Government can bear the responsibility or stand the unpopularity of overriding the decisions of his Council as often as they go against the policy of his Government.

8 *Voting by mandate.*—At this point I think it relevant to voice the country's emphatic condemnation of the very objectionable and obnoxious practice followed by Government of placing the official members under a standing mandate to vote with them irrespective of private convictions. This course is so demoralising that no considerations of political expediency or administrative exigency can justify it. Indeed it seems to me to be a more straightforward course to invest members of Government sitting in the Council with a plurality of votes counting in the aggregate a larger number than the non-official votes. But I think it ought to be conceded

that the practice in question is hardly necessary. Government may generally rely on the concurrence of official members as the policy of the former is always shaped after previous consultation with the latter. There is thus no risk in leaving officials to vote as they like, but if occasionally some of them conscientiously disagree with the Government in the Council, there is the chance also, to counterpoise such a contingency, of some non-officials agreeing with the Government. In those rare cases in which the Government are let in the minority by both officials and non-officials, one may presume without violence that Government's policy is not wise. If the head of the Government in such a contingency thinks otherwise and feels overpowered by his conviction, his veto may then more than ever be exercised with a safe conscience. I would therefore couple my protest against voting by mandate with a strong appeal that the practice may be legislatively discountenanced and prohibited.

9. *Territorial representation.*—The Government of India declare territorial representation as being unsuited to India and desire to construct electorates on the footing of classes, castes and creeds. They further quote Lord Lansdowne's Government in support of their position. But I venture to doubt if that Government made any pronouncement condemning territorial representation as for all time unsuited to India. Perhaps the best refutation of this theory is to be found in the scheme put forward by the Government of Madras in which after providing for the separate representation of a few prominent classes they are found unable to arrange for the representation of the bulk of the people except by dividing the province into a number of electoral areas. The results of the elections since the reconstitution of the Councils in 1893 have clearly shown, not that classes have been prejudiced by territorial representation, but that electoral areas should be narrowed into small groups of districts if not into single districts, and invested with the power of returning their own separate members. Everybody recognises that district administration requires to be watched and corrected by the Legislative Council, and that, for this purpose equally with the purposes of legislation, it is essential that the Provincial Legislative Councils should be composed of territorial representatives, who are in touch with local areas sufficiently small to admit of frequent tour, inquiry and study.

10. *Influx of lawyers.*—By way of illustrating the unsuitability of territorial representation the Government of India have called attention to territorial elections having led to an undue influx of lawyers into the Legislative Councils. This result, I maintain, is an accident of the period under consideration. During the same period Brahmans have been elected to the Legislative Councils in large numbers, and they and native Christians have during a longer period found readier access into public offices and the learned professions. All these are due to the fact that these classes have, earlier than others, taken to education and succeeded in the competitions concerned. Those who are styled "*territorial magnates*" by the Government of India and those who may be styled *merchant princes* have cared more for the sweets of wealth than for the fruits of education, and when they qualify themselves in the proper way their chances of success in the territorial elections are sure to be at least better and more than those of lawyers. It seems to me that the best way for Government to help landholders and merchants to seats in the Legislative Councils is to promote the cause of higher education among them. On the other hand, Government seem to aim practically at shutting out the lawyers from the councils. It is both a surprise and a concern to me that the responsible Government of this country should seek to divorce lawyers from the function of making laws. The present House of Commons contains a very large admixture of the lawyer element, and this result of the late elections was only welcomed and not deplored in England. I am not aware that any attempt is being made in that country to put that House in order, and that the construction of Legislative Houses in India on which Government are now embarked is designed as part of any general and imperial plan. The Government of India add that, by reason of their election to the councils, lawyers have come to weild more than a just share of influence in the country. It is not clear what this influence is and how it has been employed for the aggrandisement of their class or to the prejudice of other classes. I would indeed challenge anybody to turn to the proceedings of the Legislative Councils during the period in question and say if either by speeches or by interpellations lawyers have in any instance sought to promote their interest as a class against the other classes, or failed to advocate the

interests of the landholding, the commercial and the industrial classes of the country. If a large number of lawyers have hitherto been elected, I must point out that they were elected not by the votes of lawyers, but by those of officials, landholders and merchants in the main. I will not dilate on this subject, belonging as I do to this obnoxious profession, but this I will assert that while I can turn to my own record and that of my predecessors and colleagues in the local Legislative Council with a safe concience, the country is sure to unite in one voice to acquit the lawyer element of having used its opportunities and powers of any purpose other than the welfare of the country at large and of the several classes, communities and creeds of its population.

11. *Representation by classes, castes and creeds.*—I next advert to the principle of *representation by classes, castes and creeds* on which the Government of India appear to pronounce themselves almost in an uncompromising way. I venture to submit that such a principle cannot but be condemned in the most emphatic language. Elsewhere in the world also people are divided by interests, professions and creeds and even social distinctions analogous to castes are not unknown. And yet I am not aware that there is any parallel for this kind of representation in any other country. Having had opportunities of acquainting myself somewhat with the intentions and ways of Government, I am anxious to save them from the reproach freely levelled against them that they are intent upon dividing the people of this country and thereby weakening them for all time. I agree that until this country becomes better educated politically, elections, however contrived, may leave voids or lead to inequalities. I agree also that Government should, to fill up such voids and redress such inequalities, retain in their hands the power of making nominations to a few seats. But it will be pernicious in the extreme to admit the people of this country to constitutional privileges in the matter of their highest concerns, and compel them in the exercise of those privileges to develop those caste prejudices, caste jealousies and religious animosities that are already clearing out of the horizon by the efforts at enlightenment made by the Government no less than by the people.

Imperial Legislative Council.

12. *Maximum strength.*—The scheme suggested by the Government of India for the constitution of the Imperial Legislative Council allows a maximum strength, including the Viceroy, of 54 members, of whom officials and non-officials are to be in the proportion of 29 to 25. As I have already said, there is no justification for making the official element so far stronger than the non-official. It seems to me that it is enough to have a maximum of 53 including the Viceroy, making officials 27 strong against 26 non-officials.

13. *Constitution of the official element.*—With regard to the constitution of the official element no remarks appear to be called for.

14. *Ruling Chiefs as members.*—Among the non-officials, a ruling chief is given place under the scheme. This is as preposterous as if into the Legislative Council of a native State a Governor or a people's representative in British India were to seek admission. Neither individually nor as a representative of his class, can a ruling chief be entitled or interested to take part in the work of a British Indian Legislative Council, whether that work is purely legislative or also administrative. The people of this country, however friendly to the Native Princes, are not likely to welcome them into such councils. To the chiefs themselves the honour of a seat is of doubtful attraction, while they are sure to deem the duties appertaining thereto as embarrassingly inconvenient and expensive. Besides, the choice will necessarily lie among those who are nearer to, and therefore have more frequent opportunities of clustering round the Viceregal throne. On one other ground also the proposal may be condemned. It is the privilege of a ruling chief, no less than a necessity with him, that he should not be dragged into the debates and controversies of a Legislative Council. Even the head of Government, presiding over it, a Governor or a Viceroy, cannot afford freely to participate in them, and I hold it in the highest degree inexpedient to drag ruling chiefs out of their dominions and gratuitously thrust upon them functions that do not appertain to them.

15. *Experts.*—I doubt if any non-official seats required to be reserved for experts The council when expanded is likely to have room for experts among officials. But if Government should find it necessary, in view of any legislation on hand, to indent on the honorary services of non-official experts, they are not likely to need more than one expert at the same time. I would therefore provide only one seat under this head.

16. *Minorities and special interests.*—Four seats are, I see, reserved in the hands of Government to represent minorities and special interests including Muhammadans. I take the case of Muhammadans and the two seats intended for them out of this head for consideration elsewhere. I presume that two remaining seats cover the claims, among others, of the minor provinces, namely, Berar, North-West Frontier Provinces, and Coorg. In this view two seats in the hands of Government are not too many.

17. *Muhammadan representation.*—I next advert to the question of Muhammadan representation to the council. The Government scheme specially reserves four seats for Muhammadans. It seems to me that by way of special reservation this is too many. The Government of India observe that two at least of the provinces where Muhammadans constitute the majority of the population, the Punjab and East Bengal and Assam, may through their general electorates be expected to elect some Muhammadans. I think that in the United Provinces also where that community is both numerous and affluent and generally in advance of the Hindus in point of education, there is a similar chance for it. Among the three provinces the chances for the community may be fairly estimated to be equivalent to two seats. Now in view of the numerical strength of the Muhammadan population of this country, they are not entitled to claim more than five seats out of the twenty-five non-official seats, excluding the one reserved for experts. If their contribution to the revenue of the State, which I consider even a more important test, were taken into consideration, their claim must be deemed more than satisfied by five seats. On this footing it is enough to make a special reservation of three seats in their behalf.

18. How to distribute these three seats? As the Government of India say there are six provinces, namely, the Punjab, the United Provinces, Bengal, East Bengal and Assam, Bombay and Madras, among whom it has to be made. Of course the provinces which for the time being happen to return one or more Muhammadan representatives through their general electorates will then have no claim to the reserved seats. I would suggest that Government should await the result of general elections and confer the reserved seats on such of the above provinces as may for the time being be specially in need of, or in their turn entitled to, Muhammadan representatives.

19. How to fill up the Muhammadan seats is a very important question. I am entirely opposed to separate Muhammadan electorates though I hold it eminently fair and just that a due proportion of seats should be made available to Muhammadan candidates for membership. If the Muhammadan community should be given separate franchise there is no reason why the Hindu community should not claim to exclude Muhammadans as voters in the general elections. Surely nobody proposes such a course. I venture to submit that far-reaching consequences of a mischievous character will ensue from the construction of political machinery in this country on the basis of those classes, castes, and creeds that have so long tended to divide and weaken the people of this country as a political unit. With common interests among them and a common Government over them, under the inspiration of western culture and western models, and under the stress of modern needs and modern forms of Government, the people of this country are unifying themselves for political purposes with a rapidity that is really marvellous. Until the more backward communities make sufficient progress in education and only until then—and this is only the work of a short time in the life of a well governed nation—special protection may be necessary to the important minority of Muhammadans. It is by no means likely to be needed for all time. In the meanwhile such protection will be adequately given by admitting Muhammadan candidates alone to those specially reserved seats instead of making the voters purely Muhammadan. Instead of candidates being voted for by Muhammadans alone, the competition may lie among Muhammadan

candidates and be settled by the votes of all communities. I am anxious that, instead of keeping alive racial and religious distinctions and embittering communities against each other more and more, the electoral machinery for the special protection of minorities should be such as in its working will tend to unify them further and further in their interests, aims, and achievements. My plan therefore is that, when it falls to the lot of a province to return a Muhammadan representative to one of the three specially reserved seats, the non-official members of its Provincial Council and the non-official fellows of its University—not merely Muhammadan members and fellows—should be empowered to elect that representative. So elected he becomes acceptable to all the communities without prejudice to his natural feelings and duties towards his own.

20. *Chambers of Commerce.*—Two seats are provided for the Chambers of Commerce of Calcutta and Bombay. It is difficult to understand why similar bodies in Madras and Karachi should be excluded from the privilege. I would however not increase the number of seats under this head, for these bodies, though they represent important interests, are neither numerous nor Indian in their *personnel*. I would confer one seat on the Chambers of Bombay and Karachi and the other on those of Calcutta and Madras.

21. Of 26 non-official seats, 8 have been disposed of above. The 18 remaining seats, I would distribute among the territorial divisions in the following manner:—

(*a*) Bengal Proper	3	seats.
(*b*) United Provinces	3	„
(*c*) Bombay	3	„
(*d*) Madras	3	„
(*e*) East Bengal and Assam	2	„
(*f*) The Punjab...	2	„
(*g*) Burma	1	seat.
(*h*) Central Provinces	1	„
Total ...	18	

The above distribution proceeds upon the comparative importance, special needs and present conditions of the several provinces. In gauging importance I have kept in view both population and contribution to the State Revenue, the latter more especially than the former. The fitness of the respective provinces to organise and work electorates and elections has been another main consideration with me. On these grounds the above distribution appears to me to be both proper and equitable.

22. *Nobles and the great landowners.*—The method of election is the most important question. The Government of India propose to keep up the practice of the non-official members of Provincial Councils in each of the provinces being asked to elect a member to the Imperial Council. The voters are numerically so small that if possible Government are bound to create larger constituencies. The Government of India further propose that in each of the main provinces "the nobles and great landowners" may elect a member. This proposal is attempted to be justified by them when they refer to "the nobles and great landowners" as "possessing a material stake in the country and representing the most powerful and stable elements of Indian society." That Government further refer to them as "the Landed Aristocracy" and "the territorial magnates" of the country, and as the "hereditary leaders of the people". They regard them also as "now become qualified to take a more prominent part in public life and to render a larger measure of assistance to the Executive Government". Addressing the Government of Madras closely upon the passing of the Estates Land Bill, I need hardly state how far the zamindars may be deemed the hereditary leaders or representatives of the ryots in their estates. Of course there may be matters of common interest between them, but their interests are so often different that, to make the zamindar the guardian of the ryot in the

Legislative Council of the Empire, is not the safest or the wisest course. The zamindari ryots can gain more from the sympathy and impartiality of Government and popular representatives than from those from whose "hereditary" tenderness they have yet to achieve their release. The landed aristocracy of zamindaris again have neither the same traditions nor the same interests with ryotwar landholders, and I can only conceive of a ground of jealousy between them in this, namely, that while the former make a small fixed contribution to the revenue of the State the latter have to pay much higher assessments growing periodically with the needs of the State. As for the larger ryotwar puttahdars, they may be so far literate as to take part in elections, but their sense of kindred with the smaller puttahdars and concern for their common interests has yet to be awakened and developed. Apart from these elements of incoherence among landowners in the country, it is not clear how the magnates among them can be trusted to take care of the interests of the commercial and industrial classes. These latter are also referred to by the Government of India as being among "the powerful and stable elements of Indian society", but no seat is specially conferred on them while as many as seven are proposed to be reserved for the landed aristocracy. Surely the whole procedure looks like an attempt so to construct the Imperial Legislative Council as to make it a House of official and non-official lords in the main. I dare say that such is not the intention, but I am sure that the proposal can result in nothing short of it. I entirely concede that the great land-owners are an important element of Indian society and should give them a voice commensurate with such importance. But the smaller landholders and business-men of the country form the vital element of Indian society, and no electoral machinery can serve its legitimate purpose unless their voice is allowed to be the more potent. Government are now committed to enlarging the Councils liberally and making them really representative of the whole community of India. If their undertaking in this behalf is to achieve its end, I say in the language of the late Lord Salisbury "that the machinery to be provided shall effect the purpose of giving representation not to small sections of the people here and there, but to the living strength and vital forces of the whole community of India". I am accordingly not for constituting the great land-owners into separate electorates though I am for specially recognising their interests and importance by giving them an adequate voice in the general elections.

23. As for the constitution of electorates for each province to return the allotted members, I give here what I consider best for Madras, the principles and details of which will *mutatis mutandis* have to be applied to the other provinces as well. I would divide the province of Madras into three territorial divisions as follows :—

(*a*) *Northern division* consisting of the districts of—

(1) Ganjám.	(6) Nellore.
(2) Vizagapatam.	(7) Cuddapah.
(3) Gódávari.	(8) Kurnool.
(4) Kistna.	(9) Bellary.
(5) Guntúr.	(10) Anantapur.

(*b*) *Central division* consisting of the districts of—

(1) Madras.	(4) Vellore.
(2) Chingleput.	(5) Chittoor.
(3) South Arcot.	(6) Salem.

(*c*) *The Southern division* consisting of the districts of—

(1) Tinnevelly.	(6) Coimbatore.
(2) Ramnad.	(7) Nilgiris.
(3) Madura.	(8) Malabar
(4) Trichinopoly.	(9) South Canara.
(5) Tanjore.	

The Central division is so constituted that it will readily appear that I neither overestimate the importance of Madras, as many people often do, nor underestimate it. The other divisions are practically equal in importance from the point of view of their revenue.

I would constitute the electorate for each division as follows :—

(1) The elected Chairmen of the Municipalities within the division, and where there are no such Chairmen, the elected delegates thereof. In the case of the City Municipality the members of the Standing Committee.

(2) The elected Vice-Presidents of District Boards within the division, if such come to exist ; if not, the elected delegates of the Boards.

(3) Non-official members of the Provincial Legislative Council resident within the division.

(4) Non-officials assessed to income-tax on an annual income of not less than Rs. 30,000.

(5) Landholders paying a land revenue (assessment, peshkush or quit-rent) of not less than Rs. 10,000 per annum.

(6) Non-official fellows of the University resident within the division.

So formed, the above electorate is likely to consist of a little more than 150 electors in the Northern and Southern divisions and a little less than 150 in the Central division. The City Corporation gets about 8 votes while each mufassal municipality gets but one. The great landholders of the requisite qualification are roughly about 70 strong in each of the Northern and Southern divisions and are likely therefore to form an important factor of the total voting strength therein. In the Central division such landholders are very small in number, but it will be found that non-official fellows of the University who are more numerous there than elsewhere would somewhat make up the total strength. The smaller landholders in the districts can exercise their influence only indirectly, and the delegates of the District Boards, which I place on an elective basis below, have a share though small in the voting. Non-official members of the Provincial Legislative Council are retained though only as part of the electors. The commercial, industrial and professional magnates are not ignored as they are about 50 strong in each of the divisions. I claim that every voter admitted as such will be found eminently well-qualified to exercise the franchise, that every interest and class has its due share of influence in the election, that rural, urban and city interests are all duly recognised, and that those who are elected are likely to possess fair acquaintance with their constituencies and command the confidence of all places, classes and interests within the division.

24. Before I proceed to the constitution of the Provincial Legislative Council, I propose to consider the reform of Local Boards as on the latter will, to some extent, depend the former.

Local Boards.

25. When more than two decades ago Lord Ripon's Government granted the boon of local self-Government to this country, Municipal Councils were constituted to administer the affairs of urban tracts on the footing of an excessively liberal franchise, and Local Boards were constituted to administer the affairs of rural tracts on the footing practically of no franchise. The enlightenment and public spirit of the inhabitants of towns were rated too high and the qualifications of rural people were rated too low. There is no longer any reason why members of Local Boards should not be largely elected. I take it that Government will not be unwilling to solve the problem of the constitution of Local Boards as part of the question of the reform of Legislative Councils.

26. *Strength.*—District Boards consist each of 32 members. I consider this strength sufficient at any rate for the present. Taluk Boards should each be not less than 24 strong.

27. *Constitution.*—Of such strength the majority should, I consider, be elected, while the rest may be either *ex-officio* or nominated members. The Divisional-officer and all the Tahsildars of the division may be *ex-officio* members of the Taluk Board. The Collector and all the Divisional-officers of the district will be *ex-officio* members of the District Board. Of the rest all but 15 members for the Taluk Board and 20

members for the District Board may be appointed by election. This arrangement will in each case leave a few seats to be filled up by nomination by Government. When this nomination is made with discretion the necessary representation of interests, communities or special knowledge will be secured and any void left or inequality worked by elections will be redressed.

28. *Electorates.*—The more important question is that of the electorate. The 15 seats available for election on each Taluk Board may be distributed over the taluks in the proportion of their area, population, revenue, and other features of importance. Each taluk will then become an electoral area for the election of Taluk Board members. Similarly the 20 elective seats on the District Board may be distributed among the divisions in the proportion of their importance. Each division will then become an electoral area for returning District Board members.

29. *Electors for Taluk Boards.*—Who are to be the electors in each case? The obvious answer is that those who contribute to the revenue of the Local Boards must, if suitably qualified, be the electors. Irrespective of payment of revenue the only people hitherto admitted elsewhere to franchise are graduates resident within the electoral area. The leaven of the educated element is eminently necessary here also. Indeed in a rural area like the taluk, where there are very few graduates, I would add undergraduates of more than ten years' standing. In the case of the *Taluk Board* then the electors may be—

(*a*) all those in the taluk concerned who pay an annual land-cess of more than Rs. 15 (more than Rs. 30 in Tanjore, Malabar, South Canara and the Nilgiris) whether directly or through a landholder;

(*b*) all graduates, and undergraduates of not less than ten years' standing resident within the taluk concerned;

(*c*) all Chairmen of Unions within the taluk concerned.

In the case of the District Board, the electors may be—

(*a*) all Taluk Board members of the sub-division concerned;

(*b*) all those in the sub-division concerned who pay an annual land-cess of more than Rs. 30 (more than Rs. 60 in Tanjore, Malabar, South Canara, and the Nilgiris) directly or through a landholder;

(*c*) all graduates of not less than five years' standing resident in the sub-division concerned.

Note—In the districts of Malabar, South Canara and the Nilgiris, land-cess is levied at double the rate prevailing elsewhere, and in the district of Tanjore, though the normal rate prevails, the number of voters will become unduly large unless a higher standard of qualification is adopted.

A rough calculation shows that each of the above electorates is likely to contain on an average about 75 electors.

30. Of course those among the electors who are minors, insane or illiterate will have to be excluded. As for qualifications of candidates for election for the two classes of local boards, I think that nothing higher than the qualifications provided for the electors concerned need be insisted on; for with such qualifications the elected member possesses the additional merit of having secured the confidence of the electors.

Provincial Legislative Council.

31. *Strength.*—I next pass on to the reform of the Provincial Legislative Council. If as Government propose the non-official element is to be 17 strong, the official strength with His Excellency the President should not be more than 18. I think that at present a council composed in the above proportion and 35 strong in the aggregate ought to be accepted as sufficient for all purposes.

32. *Official members.*—I would recruit the official strength in the following manner:—

Ex-officio.

His Excellency the President	1
Members of the Executive Council	2
Advocate-General	1
Chief Secretary	1
Revenue Secretary	1
Members of the Board of Revenue	4
Heads of Departments—	
Medical, Educational, Registration, Police and Department of Public Works	5
To be nominated by Government	3
	18

As the new council will have plenty of room, I provide seats for all heads of departments in order that their administration may be criticised by interpellations and in debates in their presence and with the prospect of being replied to by them. I may add that in making nominations to the last three seats Government will find it of advantage to select at least one Indian officer of position and experience among others.

33. *Non-official Members.*—The non-official strength of seventeen members should, I think, be recruited in the following manner:—

(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	To be selected by bodies interested in trade	1
(*c*)	„ „ by the Senate of the University	1
(*d*)	„ „ by zamindars of impartible estates	1
(*e*)	„ „ by the southern group of municipalities	1
(*f*)	„ „ by the northern „ „	1
(*g*)	„ „ by the City of Madras	1
(*h*)	„ „ by the districts of Ganjám and Vizagapatam ...	1
(*i*)	„ „ by the „ of Gódávari and Kistna	1
(*j*)	„ „ by the „ of Guntúr, Nellore and Chittoor ...	1
(*k*)	„ „ by the „ of Bellary, Cuddapah, Anantapur and Kurnool	1
(*l*)	„ „ by the „ of Salem, Coimbatore and the Nilgiris.	1
(*m*)	„ „ by the „ of Malabar and South Canara ...	1
(*n*)	„ „ by the „ of Vellore, Chingleput and South Arcot	1
(*o*)	„ „ by the „ of Tanjore and Trichinopoly	1
(*p*)	„ „ by the „ of Madura, Ramnad and Tinnevelly ...	1

34. *Representative of trade.*—The representative of trade is now selected by a small body, the Chamber of Commerce, which is generally European in its personnel. There are other bodies or institutions undoubtedly entitled to join in the selection and as being interested in it and competent to enjoy the franchise.

35. *City representative.*—The district of Madras now returns its member by the election of the Municipal Corporation. I strongly support the suggestion recently made by that body that the election may be not only by the members of the Corporation but also by those who are included in the list of candidates for election to the Corporation. Not many residents of Madras who are otherwise competent to take part in the election are likely to be out of the said list, and they may be admitted to the franchise though they may for special reasons be excluded from that list.

36. *Municipal representatives.*—Urban tracts in the mufassal are already of considerable importance and they are likely to make steady progress in the future in area, population and wealth. Their local affairs are managed by a separate set of local bodies from those that administer the same for the rural tracts, and the evidence before the Decentralization Commission shows that there is no likelihood of any fusion between Municipalities and Local Boards. Hitherto the Municipalities have enjoyed the privilege of electing two members, and I think the manner in which those bodies have exercised the franchise hitherto and their growing interests well entitle them to retain this much of separate representation. One question may arise, viz., whether

Municipal Councillors alone need be entrusted with the franchise, but their number in each group is so large and their representative character is so far assured that there is no room or reason to admit more people to the franchise. It is of course necessary for municipal purposes no less than for the purpose of this franchise that the qualifications of municipal electors, and especially of Municipal Councillors, should be raised and that municipal wards should be reconstituted so as to be fewer in number and contain larger number of electors. When these reforms are effected, Municipal Councillors will be found even worthier electors than they have been hitherto. There will always be some residents in towns even worthier than Municipal Councillors to enjoy the legislative franchise, but they will be admitted to it in the election of members to be returned for rural tracts.

37. *Zamindari representative.*—I provide for separate representation of the zamindars by giving them one seat and restricting the franchise to the owners of impartible estates. I see that Government are very anxious to enable "territorial magnates" to be represented in the council, but I am unable to follow them when they lump together as one group of electors all landholders scattered over the province, whether they are zamindars or inamdars and whether they are ryots in Government tracts or zamin tracts. There is great community of interest between landholders and other classes of people in the country, but there is very little community of interest between one class of landholders and another, as such, either in legislative or administrative matters; for the concerns of landholders in Government tracts are not the same as those of proprietors of permanently or favourably settled estates, and the concerns of ryots in those estates are different from those of the former and often opposed to those of the latter. However by their traditions and by the policy adopted towards them by Government in the Impartible Estates Act, the zamindars scheduled in that Act are likely to continue as a separate and aristocratic community, and in view of their peculiarities of position and interests I think they may be recognised, and they alone, as a community of territorial magnates requiring separate franchise. From this arrangement I anticipate an indirect beneficial result. It will develop mutual acquaintance, understanding and fellow feeling among these ancient zamindars to a degree yet unknown among them, and so weld them together into a compact body as to render them a useful and potential factor in the future. Though these are scattered over the whole province, their number is so small that their votes may conveniently be registered either in one central place, or simultaneously in the several district towns, or by means of voting papers.

38. In forming electoral divisions I have taken care to see that existing districts are not cut up to any extent. The revenue and population have also been taken into consideration along with the general all-round importance of each district. I think that on the whole my grouping is fair and equitable.

39. *The franchise.*—I advert next to the all-important and extremely difficult question of the franchise in the groups. The electors in each group may be—

(*a*) all members of District Boards;

(*b*) all landholders paying not less than Rs. 1,000 (Rs. 2,000 in Tanjore and Malabar) per annum as land revenue (beriz, peishkash, or quit-rent);

(*c*) all individuals paying income-tax on an annual income of not less than Rs. 10,000 per annum;

(*d*) all graduates who are Gazetted officers or pay income-tax on an annual income of not less than Rs. 5,000. On a rough calculation each electorate composed as above will, I think, be found to contain on an average about 300 electors. The body of voters qualified as above is likely to be found eminently reliable in its *personnel* and fairly representative of the landholding, commercial, industrial and professional classes.

40. *Qualifications of candidates.*—With regard to the Imperial and Provincial Legislative Councils no qualification need be insisted upon over and above those laid down for the electors. In the case of territorial constituencies, I should insist upon residential qualification. But in the case of class constituencies, such as that of the zamindars, I am unwilling to insist that the candidate should belong to the class. If, for instance, the body of zamindars should resolve to return one who is not of themselves as their representative—so long as their education is not much further improved,

such a contingency is often likely—there is no reason why the rules should oppose gratuitous objections to such a course. A good deal may be left to the discretion of well-qualified electorates and it is wise not to impose an undue amount of paternal regulation in these matters.

41. A great current is moving in India, and if the people are agitated thereby, Government are not untouched by it. They have begun to respond by proposing great changes, but there is much in their proposals calculated to mar the intentions discernible behind them. There is indication, however, in the language of the Government that they do not stand committed finally to the methods suggested by them to give representation to the people of this country, and I trust that in their measures undertaken purely for the benefit of this country the Government will not ignore the best opinion of its leaders. That opinion is undoubtedly in favour of making the new constitution broad-based and so constructing its parts as to summon the several factors in Indian society to act together and in harmony. The inevitable result of western education and modern needs is to weld those elements together into a solid nation. Not all the powers on earth can arrest that movement. As for the Government, I take it that they have no desire to move except with the current that has set in, for they have not, as they say, failed to read the signs of the times. As they sow now they will reap. As they build now their name will endure. My anxiety is that they should reap well and that their name should endure.

VIII

Letter—from the Hon'ble B. Narasimheswara Sarma Garu, Additional Member, Madras Legislative Council.
To—the Chief Secretary to Government.
Dated—Vizagapatam, the 26th February 1908.

With reference to your letter, dated 22nd November 1907, I have the honour to send herewith my opinion on the reform proposals and to inform you that I regret very much for the delay in sending the same.

Enclosure.

Opinion on the Memorandum relating to Advisory Councils and Legislative Councils.

1. I have the honour to furnish my opinion on the questions raised in the memorandum on the subject of the constitution of Imperial and Provincial Advisory Councils and the expansion of the Imperial and Local Legislative Councils asked for in your letter, dated 22nd November 1907.

The people of India have great reasons to be thankful for the desire on the part of the Government to associate itself with the Indian princes and noblemen in the guardianship of common and imperial interests, to obtain their counsel on matters affecting the welfare of the people of India, for the assurances that by reason of the measures contemplated, the people can look forward to a larger share in the actual work of administration and more extensive employment in the higher offices of the State and that the Government would move gradually forward towards the fulfilment in no grudging spirit of a pledge which they—the people of India—are entitled to regard as inviolable.

2. The Government of India has a two-fold object in the creation of the Advisory Councils, Imperial and Provincial, viz., to obtain the advice, advice after collective deliberation, on administrative questions and on subjects in respect of which legislation is contemplated, to make their measures and motives generally understood, and to correct erroneous and often mischievous statements of fact or purpose imputed to them. No one can hesitate in affirming that both the objects are highly laudable and praiseworthy. The only question therefore is as to whether the schemes proposed are the best means of attaining the objects and, if not, what modifications would be necessary to enable them to fulfil the purpose in view.

3. The Government of India seems to be of opinion that the existing Legislative Councils have not been able to fulfil the said objects partly owing to the infrequent sittings of the said Councils and partly to the restraint leading to formality caused by the strict procedure governing the said bodies. It cannot be said that the meetings of the Imperial Legislative Councils are few and far between during the session from October to March when the Government is not in Simla; and the Provincial Councils generally meet three or four times during the same months and there is absolutely no reason why the non-official members cannot be

called together oftener for consultative purposes or why advantage should not be taken of their presence at head-quarters when members attend the Legislative Council meetings and informal meetings be convened. The objection raised on the score of formality of procedure cannot possibly apply to meetings specially convened for obtaining advice. Having regard to the proposed constitution of the Advisory Councils to consist of ruling chiefs and territorial magnates, and also of business-men in the case of Provincial Councils, to the expense and inconvenience of frequently travelling to a central place, it is not likely that the proposed Councils would meet oftener than the legislative bodies. It seems to me that the Imperial and Provincial Governments have not hitherto taken into their confidence for the purpose of collective deliberation the non-official members of the Legislative Councils, either because they felt that the opinion of the said bodies might, in many respects, differ from their own and it would be inconvenient and causing unnecessary friction to run counter to such opinion where it may be unanimous, or because such opinion is not worth having on administrative matters. As the Legislative Councils are proposed to be strengthened in numbers, and made more representative in character, the large landowners and capitalists finding a place therein in greater numbers, it seems to me that the Government might well take into consideration as to whether the new bodies cannot fulfil the desired objects and would be making a serious mistake in ignoring them in the composition of the Advisory Councils.

4. We must look therefore to other causes and reasons for the desire to constitute separate Advisory Councils. It is possible that the Government expect to receive considerable support for their views from the Council as proposed to be constituted which are likely to be more conservative in their character than bodies composed exclusively of non-official members of the Imperial Legislative Council, and it is hoped that the legitimate ambition of a powerful section of the community to participate in the Government of the country would thus be gratified.

5. If the constitution of the States provides that every Indian prince, every Indian nobleman of a certain status has a right to become a member of the Advisory Council by reason of his position and rank, or by election by members of that class, should the members be proposed to be restricted, and if the constitution further provides that such a Council is entitled to be consulted on certain definite subjects, however limited may be the scope of such subjects in the beginning, the objects aimed at may be secured but a body composed of members who either feel it a degradation to be there or owe their elevation to official favour and dependent on it for the future, a body which may or may not be consulted, whose views and opinions are likely to be published only when they bring odium and are opposed to the cherished wishes and ambitions of a vast majority of their countrymen or rather their educated countrymen, is not likely to serve any very great or useful purpose or fulfil the desired object of inspiring confidence in the public by being faithful interpreters of the wishes and intentions of the Government.

6. But inasmuch as the constitution of a definite body of advisors is a right step in the development of the constitution, I welcome the proposal as a feeble attempt at reform but would recommend its adoption provided that the proposals are modified in at least certain respects on the lines indicated here.

7. I cannot but think that the inclusion of the Indian princes in the composition of the Council in the manner proposed would constitute a grave political danger inasmuch as it is sure to be looked upon by the princes as a certain indication of the desire of the Government to degrade their position, to confiscate their rights as allies and reduce them to the position of subjects; grave and important subjects of State policy, such as war or peace, questions relating to the army or navy, high imperial finance, are not proposed to be referred to the Council, and I am sure that the princes would be justified in being alarmed, when they are asked to become members of a powerless Council composed of gentlemen the majority of whom are British Indian subjects. The cost of frequent travelling in state would also be ruinous to the Native States whose chiefs may be selected. But I heartily approve of the central idea and would suggest that all the princes or the more important of them should meet in a central place, that the Council thus formed be presided over by the Viceroy, that subjects dealing with the development of the resources of the States or improving the condition of the subjects of such States, social legislation or imperial defence, if need be, may be discussed, and that certain definite lines of policy be then laid down for the future better government of the States. The princes would be able to compare and contrast the position and condition of their States and subjects with those of others, there would be a healthy emulation for the initiation and carrying out of beneficent measures of legislation and administration, there would be an opportunity afforded for the representations of any real and legitimate grievances to the head of the Government and for the Viceroy explaining in turn the motives and reasons for any particular action of the Government and inspiring confidence in the British Government; and a conference of this description is likely to lead to mutual good will and good understanding and the removal of any secret dissatisfaction likely in times of trouble to lead to very undesirable results.

8. A conference of the princes as representing the Native States on the one hand, and the members of the Imperial Legislative Council, official or non-official or both, and the Imperial Advisory Council as representing British India may be arranged to discuss subjects such as famine, education, the development of the resources of the country and to elicit the views of the

whole body. The princes may not object to meet in conference representative of the British India Government or people, but for the reasons above given, I would deprecate any attempt at the present moment to club the princes and territorial magnates as members of one body.

9. The only reason which to my mind could have operated upon the Government of India in excluding eminent men of letters, or science, gentlemen who have distinguished themselves as administrators or High Court Judges, from the Imperial Advisory Council is the presence therein of Indian princes whose dignity is not sought to be wounded. I have already given my reasons for excluding the princes, and should they be associated with the Council, the presence of a few eminent men outside the rank of territorial magnates need not be feared to lower the status of the councillors. I would strongly recommend that the non-official members of the Imperial Legislative Council and such other eminent men as the Viceroy may select may also be included to give life and soul to the body and prevent it from being an inert mass. It should be provided that the Council shall meet once or twice a year though it may be optional with the Government to consult them in any manner they please for whatsoever subject they please at other times and that they should be consulted on all measures on which legislation or vast administrative changes are proposed. It should be competent to the bodies to recommend the initiation of any measures calculated in their opinion to better the condition of the people. There is no reason why it should not be understood that no legislation or administrative measures would ordinarily be undertaken where three-quarters or seven-eighths of the Council are opposed to them, should the Council be composed not of a particular section, viz., landholders, but be representative of the different sections of the community.

10. Landholders of a certain status may also be allowed to select men from among their class with certain special qualifications to membership instead of nomination being the rule or sole rule.

11. It must, however, be remarked that this is only a first step in reform and when the glamour of the position is gone, even the landed aristocracy would not be satisfied with the shadow of power but would claim and agitate for its substance.

12. The Council composed thus of territorial magnates and the aristocracy of wealth and intellect nominated by the Viceroy would correspond to a special institution in France under the name of Council D'état, composed of Councillors, Masters of requests and auditors—all appointed by the President of the Republic, its duty being to give opinion upon such questions chiefly those connected with administration as may be submitted by the Government; but it must be remembered that in France the Council is Judge in the last resort in administrative matters and prepares rules for the public administration.

13. With regard to the Provincial Advisory Councils, there is no reason why each district should not be allowed two members, one from amongst the landed aristocracy and the other from the aristocracy of wealth or intellect subject to such qualifications as may be laid down. Under this arrangement the purely ryotwari districts would not be left in the cold and the Government may reserve some seats to redress inequalities or for other reasons of State policy. The scope of the subjects, which may be asked to be compulsory, referred to them for opinion, may be usefully enlarged, since the Provincial Governments do not ordinarily deal with questions of large Imperial policy.

14. The only real difficulty in the way of election is that legislation may be necessary, but if the Government should seek to inspire confidence or give permanence to the Councils and their very existence is not to be dependent on the individual opinion of a Viceroy or a Governor, I do not see why legislation on the broadest lines need be avoided, and the Legislative Councils as at present constituted do not in effect possess any real power and are really advisory in their character, the carrying out of their views being entirely dependent on their acceptance by the Government.

15. I shall next take up the question of the Legislative Councils and deal with the Provincial Councils first.

16. No one can help approving of the desire of the Government of India to see that all sections of the community and all interests are represented in the Legislative Council, and I agree that the fundamental basis of the electorate should be as wide and representative in character as possible. There are two methods of election, the direct and indirect; the representatives to the Legislative Council may be elected direct by a body of electors in a district or group of districts possessing the necessary qualifications or may be elected by bodies such as the Municipal Councils or Local Boards, the members of which may be elected by inhabitants of towns or rural areas. A glance at the list of income-tax assessees or revenue payers would clearly convince any one that the classes which are supposed to have an unduly predominant voice now are not in a majority and are not in a position to secure a return, unless other sections choose to elect them by reason of any real superior merit which they may posesss or owing to the paucity of deserving candidates competing for the seat. The same observation holds good even with regard to the Local Boards and Municipalities. Having some acquaintance with the existing electorates, their composition and temper, I may be permitted to state that the Brahman and the lawyer are only returned because there have not been hitherto any candidates from other sections of the community who could reasonably hope for success. The question

under those circumstances arises as to whether it is desirable to introduce distinctions of caste, creed and colour in the matter of the selection of representatives in the local Provincial Councils It must be remembered that Her Majesty's gracious proclamation distinctly forbids any distinction being drawn on the ground of caste, creed and colour, that the policy of the British Government, of all civilised Governments, has always been to ignore such distinctions where public rights are concerned and it would be mischievous to introduce discord, ill-will and recrimination where in the course of natural evolution with a little friction in the beginning in the process of levelling up and levelling down, the various sections are beginning and bound to form themselves into a homogeneous and united body so far as temporal affairs are concerned.

17. But it may be asked that we ought to be practical politicians and build upon and provide for the existing condition of society ; I do not wish to ignore practical conditions but I assert that an analysis of the existing electorate or of any electorate which may be devised based chiefly on property qualifications would show that no sections can have a majority or possess a preponderating influence and I have attempted to state the reasons why in the past there have been more Brahmans and lawyers than others in the Councils. The enlargement of the electorate would effectually prevent the exercise of any undue influence, and the various interests are bound to be represented, provided competent men would be forthcoming ready to sacrifice their pecuniary interests. More men would stand for the seats and from different sections of the community if the electorates be confined to smaller areas. It must also be borne in mind that no subjects can be discussed at the Council which deal with caste organisation or sectional interests and there are so many differences in point of interdining and inter-marriage among the various sections of the several castes that no sectional representation would be possible or desirable. A reference to the census statistics would convince any one of the impossibility of constructing any scheme based on caste or creed.

18. To effect the objects the Government has in view, I would recommend that the electorate be confined to smaller areas, the number of electors voting for the candidates be increased and if indirect representation is resolved upon, provide for the village communities electing members of the Taluk Boards. The members of the Municipal Councils and Taluk Boards may be asked to vote together.

19. Then arises the question of how many representatives shall be allowed for the province of Madras. I am aware of the limitations to which the scheme has to be subjected, if the principle of a standing numerical official majority is to be accepted. Inasmuch as no Bill can be passed into Law without the assent of the Governor and the Viceroy and is subject to several vetoes, I am against the demoralising spectacle of the officials voting by mandate and there is small danger of the Government being defeated as no combination would be possible in an enlarged Council, except where the unanimous voice of the whole country is against the Government ; and in such cases, I do not see why in the Provincial Councils where no questions of Imperial concern can arise, the Government should not respect the wishes of the community or exercise the right of vetoing the measure. Even if a standing official majority be resolved upon the requisite number can be easily provided for from among the officials in Madras, of sufficient standing, and where no discretion is to be exercised by individual official members, one official is as good as another for voting purposes.

20. As the scheme is to be comprehensive and is not likely to be revised for many years, power may be taken to give each district, very small districts being grouped together if necessary, a representative, *i.e.*, one for nearly two millions.

21. A study of the figures relating to the electoral bodies in Europe and America, where there is a representative for not more than 200,000 of the population, one for 16,000 being in some places the rule, would convince any one that the request made here is not unreasonable.

22. I would like also to point out two difficulties which occur to me in this connection. The numbers of income-tax assessees or rent-payers and therefore of electors in the several districts vary considerably and the grouping of two or three districts, is likely to lead to irritation and discontent inasmuch as some districts are likely to have a predominant voice in the matter. Even if the election be indirect and by representative bodies, there would be difficulty especially where the groups are to be very small. I would therefore strongly urge that each district should be given a representative except possibly where the districts are very small. If that cannot be done electoral bodies would have to be formed out of adjoining districts with closely allied interests, where the people have close affinity to one another by race or language. If sectional representation is to be insisted on, I would divide the Presidency into four or five groups and direct the groups to elect a particular number of representatives of each section. All payers of income-tax, all persons paying a revenue of Rs. 50 and upwards to Government or Rs. 200 to a landholder, all graduates, may, I think, be safely included in the list of voters. The electoral qualifications proposed are unreasonably high.

23. Coming next to the powers which may be given to the Provincial Councils I am strongly of opinion that inasmuch as the Councils cannot deal with questions of Imperial policy and subject to limitations which may be imposed for the carrying out of a definite line of policy, absolute discretion should be vested in them in determining the details of finance and administration. The Provincial allotment being fixed there is no reason why the Councils should not decide as to whether 40 lakhs or 50 lakhs should be provided for education, how

much of it shall be for technical, how much for primary and so on. In the absence of such power even with regard to details, the Councils would serve no very useful object and people cannot be blamed when they complain that there is no real effort made to taking them into the counsels of the realm.

24. The terms of office ranges generally from 4 to 6 years in European countries and the period 5 years proposed is not too long.

25. Lastly coming to the Imperial Legislative Councils, I would remark that the commercial interests of Madras have been entirely ignored and provision should be made therefor and for the Indian Chambers of Commerce when and where they exist being given an equal right of voting.

IX

Letter—from K. Venkata Rao, Esq., Pleader, Bellary.
To—the Chief Secretary to Government.
Dated—the 16th February 1908.

I beg to acknowledge the receipt of G.O., No. 886, dated 22nd November 1907, forwarding a memorandum of the Government of India and the suggestions of the Government of Madras thereon, and inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, and to submit the following as my reply thereto.

2. As regards the forming of Imperial and Provincial Advisory Councils, I am completely against the scheme proposed. The Government of India say that these Councils will be without any statutory recognition, that their proceedings will not be open to the public nor officially published ; but that their views will be received by the Government confidentially, and in an informal manner. They further say that their opinion, even collectively given unanimously or by a large majority, may or may not be acted upon by the Government.

3. As the Ruling Chiefs, territorial magnates, zamindars, large landed proprietors and merchant princes are generally consulted now-a-days by the Viceroys, Governors, and District Administrators, and their opinions are received in private and treated for what they are worth, there is no further necessity to forming them into Advisory Councils, without giving them regular constitution, and making their decisions binding upon the Government. According to the proposed scheme, the opinions of these councillors will, I presume, be published, if favourable to Government, when they will probably conflict with the opinions of the public; if so, these gentlemen will be exposed to unnecessary and harsh treatment and criticism in newspapers and on public platforms. If their views be favourable to the people, the Government may not publish them ; and if they leak out, these Councillors may be suspected by Government officials as having played to the gallery and to have tried to secure cheap popularity. Further, irresponsible persons like these, chosen merely on account of their status in life, are dangerous to be allowed to have access to the ears of Government and their officers in private, because they may promote race or sectarian differences, or bring about disagreement between one class and another, or poison the minds of the administrators against the popular leaders. On the whole I am afraid that the Government may be more embarrassed in controlling the members of these Councils, than be benefited by their services.

4. As regards the enlargement of the Imperial Legislative Council, I do not think that the Government of India should have 35 seats out of 53 under its control for nominating officials and non-officials, while throwing only 18 seats for election. A Ruling Chief is not necessary on the Viceregal Council, so long as an Imperial Advisory Council is to be formed. Further, twenty additional seats for Viceroy's nomination may be made to include both officials and non-officials ; and the six seats noted as E and F in paragraph 12 of the memorandum, may be given for election under paragraph D. Even then, the Government will be in the majority. Add to this, there is the casting vote of His Excellency the Viceroy, and also the power of vetoing a Bill that has been passed by a majority. There is not the least probability of all the non-officials, representing different races and castes, or trades and professions, joining together and voting solidly against the officials. If such an occasion

ever occur, a rule may be introduced to the effect that the passing of the Bill will be put off to the next session of the Council, or its further consideration deferred for 3 or 6 months.

5. As regards the scheme proposed for adoption for the Madras Presidency, I am sorry to say that it is open to various objections, and is thoroughly inadequate for the requirements of this large Province. I have not been able to see what prompted the Government to propose a scheme like the one set forth in the Referendum, as it has not satisfied the demands of the educated people, made at their several Congresses and Provincial or District Conferences or through other public non-official bodies. It has given no satisfaction to the Brahmans, lawyers, non-Brahman Hindus, traders or landholders. I may be permitted to say that I have served for over twenty years in the Municipal Council of Bellary, and for two years as a member of the Legislative Council, Madras. I have been closely connected with several big industries in this and in the Bombay Presidency for over twenty-five years, such as Spinning Mills, Ginning and Pressing Steam Factories. I have also attended nearly a dozen Congresses and an equal number of Provincial and District Conferences. I have travelled over the whole of India thrice, major portion of Europe twice, and gone round the whole world in 1904 for the purpose of studying (among other matters) the systems of Government prevailing in those countries, and particularly in Japan and the Phillipine Islands where coloured races live. With this varied experience I can assure the Government that the system like the one now proposed is nowhere to be found in any part of the civilized world. A far better system prevails even in the Phillipine Islands which came under the Government of the United States in 1898. (*Vide* the pamphlet herewith sent.)

6. So far as I have been able to ascertain, no Brahman requires a seat to be allotted to his caste, nor a lawyer for his profession. Now-a-days it is very difficult to say who comes under the definition of a Brahman. The Muhammadans and the Christians may require special seats to be allotted to them as they are in the minority, and are generally backward in wealth and education. Even then it is perpetuating a system of race-differentiation in political matters, which it is not the duty of the Government to encourage. Further, the best-fitted men will not be elected, as only such men are required for the purpose of legislation. The Bills that are generally discussed and passed in these Councils relate to matters of taxation, land-tenure or administrative protection; and these measures affect all races and castes alike. If Bills on religious or social reforms be allowed to be introduced into these Councils, then special representation may probably be required.

7. The Municipalities and the District Boards which have been for the last fifteen years exercising the powers of election ought not to be disenfranchised under the new scheme. Taking the vast size of the Presidency into consideration, territorial division and representation is also essential for securing proper men on the Council, and for educating the landholders, ryots, merchants and traders.

8. I strongly object to the proposed minimum for electoral qualification as being very high, and it is not even equitably distributed. Almost all the proposals contained in the proposed scheme are open to various objections of a substantial and serious character, such as—

(*a*) Land-tax qualification is much higher than the income-tax qualification;

(*b*) Both the above qualifications are immensely higher than what are required for Municipal Councillors or District Board members;

(*c*) Educational qualification is completely ignored;

(*d*) Big landholders under the ryotwari system and big tenants under zamindars are practically excluded;

(*e*) The arrangement is out of all proportion to the population, as disclosed by the census of 1901.

9. I further think that the term of *five* years for an elected or nominated councillor is somewhat too long. *Three* years now allowed for membership in Municipalities and District Boards may be sufficient for Legislative Councillorship also.

10. Having deliberated over the matter for a long time and having consulted with many of my friends who are fairly well acquainted with several of the districts in the Presidency, I beg to suggest a scheme for the approval of the Government, as it is not open to caste and race objections, nor does it contravene the principles of local self-Government. I am aware that no scheme can be perfect, nor will it satisfy the demands of different classes or castes, nor the critical scrutiny of European officials. But most of the non-officials, European and Indian, will, I hope, look upon it as having been prepared in a spirit of moderation and conciliation. The scheme I propose is to consist of—

Officials.

His Excellency the Governor	1
Executive Councillors	2
Advocate-General	1
Officials, nominated, including Secretaries to Government, Members of the Board of Revenue, Heads of departments, such as Education, Registration, Jail, Police, Medical, Sanitation, etc.	30
	34

Non-officials.

University of Madras	1
Chamber of Commerce	1
Planters	1
City of Madras	1
Twenty-two districts	22
Christians	1
Muhammadans	1
Others requiring special representation either by election or nomination	2
	30

From the above totals, you will be pleased to see that the seats assigned to the officials are larger in number than those of the non-officials; and this majority is quite enough as a workable scheme, remembering what has already been stated in paragraph 4 above, about the casting vote of the President, the power of veto possessed by His Excellency the Governor, and the remotest contingency of all the non-officials voting solidly against the Government.

11. As regards the method of election to prevail in the districts, I beg to propose that an electorate in each district on the following method be formed by Government, in consultation with the Collector. This electorate is to consist of the following gentlemen:—

(*a*) All the non-official members of the District Board;

(*b*) All the non-officials or elected members of the Municipalities in the district;

(*c*) All graduates of ten years' standing and residing, during the preceding year, in the district;

(*d*) All persons paying a land revenue of Rs. 300 to Government and having their names on the registers of the Collector for the preceding year;

(*e*) All persons paying peshkash, quit-rent or other favourable land-tax of Rs. 100;

(*f*) All owners of houses paying to the Municipality, or District Board, a house-tax of Rs. 100;

(*g*) All persons paying an income-tax of Rs. 100;

(*h*) Any person paying cumulatively land-tax, quit-rent, house-tax and income-tax, possessing equivalent qualification by adding together the above taxes, is entitled to be registered as an elector. (Rs. 3 land-tax may be considered to be equivalent to Re. 1 quit-rent, house-tax or income-tax.)

Provided that the persons falling under classes (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) do not come under (*a*) or (*b*).

Note 1.—No person shall have more than one vote.

Note 2.—The property and tax qualifications may be raised or lowered, if the circumstances of any particular district require such raising or lowering.

12. I further propose to exclude, at present, all women, and illiterate men, as well as men below the age of thirty.

13. By creating the electorate as above indicated, I expect that the voters in each district will be about 250, and the landholders will have a fair proportion among them. There is, therefore, no fear of any of the districts electing a Brahman or a lawyer as such, unless he happens to be a landholder, merchant, or specially qualified to represent all castes, creeds, trades or other interests.

14. Under this scheme, the Municipalities and the Local Boards will have also a fair representation, and they cannot complain of being disenfranchised.

X

Letter—from M.R.Ry. K P. Raman Menon, Avargal, High Court Vakil.
To—His Excellency the Governor of Madras.
Dated—February 1908.

May it please Your Excellency,—As authorised by resolution No. 4, I have the honour to forward herewith the resolutions passed at a public meeting held at Calicut on the 18th January 1908.

Enclosure.

Proceedings of a meeting held at the Calicut Victoria Jubilee Town Hall on the 18th January 1908.

Resolution.—This meeting while gratefully acknowledging the intention of the Government in proposing to constitute Advisory Councils for consultation on important administrative measures begs to suggest—

(*a*) that the said Councils should receive statutory recognition;
(*b*) that the members on which the Council will be consulted be specified;
(*c*) that the Councils should be consulted collectively and publicly;
(*d*) that when so consulted, the opinion of the majority should prevail subject to the veto of His Excellency the Viceroy or the Governor, as the case may be;
(*e*) that the eligibility to Councillorship should not be confined to property qualifications.

Proposed by Mr. P. A. Krishna Menon. Seconded by Mr. E. Rama Varier. Supported by Mr. V. Sankara Menon.

Carried by a majority.

2. With reference to the proposed enlargement of the Legislative Councils this meeting is of opinion—

(*a*) that the number of members now suggested is not sufficient;
(*b*) that the non-official members should be at least equal in number to the official members;
(*c*) that the number of elected members should be more than now suggested;
(*d*) that representation based on caste and creed is highly inexpedient, unworkable and retrograde in tendency;
(*e*) that in Provincial Councils territorial representation should be recognised and that each district should at least have one representative;
(*f*) that the property qualification required for electors and candidates is too high and the scheme proposed effectively tends to shut out certain classes of capable men who take an intelligent interest in public affairs;
(*g*) that in the matter of elective franchise and candidature, educational qualifications are not given sufficient prominence;
(*h*) that candidates should not be confined to the class of voters who elect them;
(*i*) no distinction should be made between different communities in the matter of the qualifications of voters and candidates.

Proposed by Mr. P. Narayana Menon. Seconded by Mr. G. Subba Rao. Supported by Mr. V. Narayana Menon.

Carried unanimously.

3. That this meeting is of opinion that the non-official members of the Legislative Council should have power to move amendments and divide the Council on the budget.

Proposed by Mr. C. Kunhi Rama Menon. Seconded by Mr. V. K. Krishnan Unni. Supported by Mr. V. K. Rama Menon.

Carried unanimously.

4. That the President of this meeting be authorised to forward the resolution passed at this meeting, to the Secretary of State for India, His Excellency the Viceroy and His Excellency the Governor of Madras.

Proposed by Mr. K. Rama Varier. Seconded by Mr. T. Govindan Nayar.

Carried by a majority.

K. P. RAMAN MENON,
President.

XI

Letter—from M.R.Ry. J. T. SRINIVASAGAM PILLAI Avargal, B.A., B.L., Chairman of the Tinnevelly District Association.
To—the Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 26th February 1908.

I have the honour to submit herewith a copy of the proceedings of a meeting of the people of this district held in the Vannarpet Club, Tinnevelly, on Saturday the 15th and Monday the 17th instant *in re* the reform proposals of the Government of India and the Memorandum of the Government of Madras thereon.

ENCLOSURE.

The Advisory Councils.

Resolved that this meeting is of opinion that the constitution proposed for the Advisory Councils should be modified as hereunder :—

(i) The councils should include also men of education who are not " territorial magnates " and who are otherwise qualified to give their advice.

(ii) The councils should assemble at fixed periods.

(iii) The proceedings of the councils should be published.

(iv) The councillors should be at liberty, of their own accord, to bring before the council questions affecting the welfare of the people.

Legislative Councils.

(i) This meeting is of opinion that the number of non-official members provided by the scheme is not sufficient.

(ii) This meeting emphatically protests against the rejection of the principle of territorial representation and the adoption of representation based on caste, creed and class which is highly inexpedient as well as unworkable.

(iii) The meeting is of opinion that the official majority in the councils should not be more than a bare majority.

The Imperial Legislative Council.

This meeting is of opinion—

(i) That the number of elected members should be increased.

(ii) As regards the election by the Provincial Legislative Councils at least two members should be elected by the Madras Legislative Council.

The Madras Legislative Council.

Resolved that this meeting is of opinion that the number of seats reserved for non-official members in the Madras Legislative Council should be at least 25, and the same should be distributed thus—

A—Elected by—		
(1) The District of Madras—		
(*a*) The Senate of the Madras University	1	
(*b*) Chamber of Commerce and the Trades Association ..	1	4
(*c*) Citizens of Madras	2	
(2) The zamindars of impartible estates		2
(3) There are some districts in the Presidency the importance of which demands a representative for each district by itself and there are others which might be grouped together. Hence it is suggested that the Presidency be divided into 15 groups—a member for each group		15
B—Nominated by the Governor to represent special interest when necessary		4
Total ..		25

Resolved that if the Government is not prepared to increase the non-official seats to more than 17, this meeting is of opinion that the 17 seats should be distributed as under:—

A—Elected by—		
(1) The district of Madras—		
(*a*) The Senate of the University	1	
(*b*) Chamber of Commerce and Trades Association	1	3
(*c*) Citizens of Madras	1	
(2) The zamindars of impartible estates		1
(3) The districts of the Presidency to be divided into ten groups, each group electing one		10
B—Nominated by the Governor to represent special interests when necessary		3
Total ..		17

Constitution of the Electorate.

1. This meeting is of opinion that the qualifications proposed for the voters are too high and should be reduced.

A reference to the report of Government on the settlement of land revenue in the Madras Presidency will show that the number of pattadars, single and joint, paying a beriz of Rs. 1,000 and more varies so considerably in the different districts that for group electorates the payment of beriz as a qualification for voters will not work satisfactorily. The same is likely to be the case if the payment of income-tax is taken as a standard. Hence the suggestions made herein.

2. This meeting is of opinion that the elective principle should be introduced for the Taluk and District Boards.

3. This meeting is of opinion that the following may constitute the electorate for the election of members to the Legislative Council in each group:—

(*a*) The members of the District and Taluk Boards in the group;
(*b*) The Municipal Councillors in the group;
(*c*) All graduates resident within the group;
(*d*) Persons paying a certain beriz which may be fixed with reference to the circumstances of each group; and
(*e*) Persons paying income-tax on a certain income to be fixed with reference to the circumstances of each group.

One person shall have only one vote.

4. This meeting is of opinion that it is not necessary to fix any qualifications for a candidate except that he must be one residing within the group which elects him.

Discussion in the Council.

Resolved that this meeting is of opinion that—

(1) The members of the Legislative Councils should be given the right of moving amendments to, and dividing the Council on, the budget.

(2) The members should be allowed to put supplementary questions at the same meeting of the Council.

General.

Resolved that the President be authorised to forward these resolutions to the Government of Madras and to the District Collector, Tinnevelly.

XII

Memorial—from the Members of the non-caste Dravidian Mahajana Sabha.
To—His Excellency the Governor in Council, Fort St. George.
Dated—Royapettah, the 28th March 1908.

MOST RESPECTFULLY SHEWETH,—That they desire on behalf of the non-caste Dravidian community of the Madras Presidency to lay before Government their claim to their interest in the proposed enlarged Council.

2. That though this community forms about one-sixth of the entire population of this Presidency and though next to the caste Hindus, it is the community entitled to consideration in preference to any others on account of its numbers. It is grieved to find that its claims have been altogether ignored and that no separate provision has been made for its representation in the proposed scheme for the enlargement of the Council.

3. That the memorialists beg to submit that their community is not only numerically important, but that it consists chiefly of agriculturists who must be regarded as the most valuable asset in the country.

4. That the differences between the Hindus and the community of the memorialists are so great that it is a deplorable mistake to regard it as forming a part of the Hindus. The Dravidian community is not subject to the scruples of caste. They believe in freewill doctrine which is opposed to the teaching of Hinduism. Their habits, customs and manners have more in common with the Buddhists than with the Hindus.

5. That the memorialists beg to submit that there has been existing for centuries enmity and hatred between their community and that of the Hindus. The Hindus have been persecuting them in a thousand and one ways in social matters; and politically it is only under the British rule, which is universally regarded as a blessing to this community, that they are enjoying any privileges. Now they are in a position to say that they have improved their social condition to such an extent that they are soldiers in the Indian Army and officials in various departments of Government. Besides a large number of them are labourers in mills and factories, mechanics and traders and pursue different industries. Though they strive to work out their own salvation in this manner, yet the hatred and persecution on the part of the Hindus is even now so rigorous that their interests in the progress of the community suffer very seriously. The memorialists are firmly of opinion that their interests would never be safe in the hands of caste-ridden Hindus.

6. In this connection the memorialists beg leave to bring to the notice of the Government that during the agitation to hold the Civil Service examination simultaneously in India their community protested against the Hindus by sending up a memorial to the Secretary of State for India on the same grounds as are set forth in this memorial.

7. Under these circumstances, the memorialists earnestly request that the Government would be pleased to safeguard the interests of this great community and that the proposed reforms of the Council should be so framed as to provide a separate representation for this non-caste Dravidian community by the Government appointing one representative, either from among the Europeans or Eurasians, to whom the interests of this community can be safely entrusted.

And your memorialists, as in duty bound, will ever pray.

XIII

Letter—from E. Scott, Esq., I.C.S., Collector of Anantapur.
To—the Chief Secretary to Government.
Dated—the 18th March 1908.
No.—D. Dis. 1186.

1. Mr. H. G. Stokes, Acting Sub-Collector, Penukonda.
2. M.R.Ry. K. V. Sreenivasa Aiyangar Avargal, Treasury Deputy Collector.
3. Muhammad Bazlullah Sahib Bahadur, Head-quarters Deputy Collector.
4. Rev. Howard Campbell, Gooty.
5. M.R.Ry. P. Kesava Pillai Garu, Pleader, Gooty.
6. ,, P. Adimurti Rao Garu, Pleader, Anantapur
7. ,, H. Siva Rao Garu, Pleader, Anantapur.
8. ,, T. Sivasankaram Pillai Garu, Pleader, Penukonda.

With reference to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to submit the enclosed note with my remarks. The reports of the marginally-noted officers and private persons who were consulted in the matter are also submitted.

Note.

Imperial Advisory Council.—It is difficult to make any remarks on the constitution of such a Council in the absence of more definite information as to the nature of the questions on which the Council would be asked to advise. There are no doubt questions in which ruling chiefs and territorial magnates have a common and special interests, and for dealing with these a Council constituted as proposed may be unobjectionable, but I cannot think that the occasions on which advice in such matters is necessary can be so numerous as to necessitate the formation of this Council. There are on the other hand questions which concern ruling chiefs, but do not concern territorial magnates, and it seems just as necessary or rather more necessary to have a Council of ruling chiefs alone as one consisting of both ruling chiefs and territorial magnates. Under

any circumstances the combination in a council of ruling chiefs and territorial magnates is of doubtful expedience. If the proposed council is to deal with questions of a wider public interest than those referred to then it will certainly have to be constituted otherwise, if it is to meet with popular approval, and if it is to commend itself to public opinion as tending to promote more intimate relations between the component parts of the Indian Empire.

2. For an Imperial Advisory Council a council formed of the non-official members of the Imperial Legislative Council and for a Provincial Advisory Council one similarly formed of the non-official members of the Provincial Legislative Council should in my opinion be adopted. The best men ought to and will be on the council so constituted for the best men will always, with possibly a few exceptions, strive to become members of the Legislative Councils.

3. *Imperial Legislative Council.*—The only point on which I have any remarks to offer is the representation of the Muhammadan community. Two Muhammadan members are to be elected and two nominated, the elected members being elected in rotation by six provinces. The result of this proposal will be that, leaving Burma and the Central Provinces out of consideration altogether, the Muhammadans in at least two provinces and perhaps in four will be without representation. Granting that Muhammadan representation is necessary it would seem that one Muhammadan member or at the most two would suffice to represent the views of the community, while if it be argued that the members of the community in each province need to be represented then it follows that the number of elected Muhammadan members should be increased by two at least, it being stipulated that the two nominated members should belong to the provinces not represented by election. To my mind representation by rotation is absolutely indefensible on any rational grounds.

4. *Provincial Legislative Council.*—The scheme put forward in the memorandum is not one which will meet with public approval. All the officers consulted in this district are opposed to it, and personally I see grave objections to it.

5. I do not think there is any justification for the creation of separate electorates composed of members of a particular caste or a particular religion. By their creation favour is being shown to one caste to the disadvantage of other castes, to the members of one religion to the disadvantage of those of other religions. There are many reasons why Government should aid the removal of all caste distinctions and religious differences, and nothing should be done which will tend to have the opposite effect. I admit that the Muhammadan community ought, for the present, to be represented in the Council, but their representation is desirable not because of their religious beliefs but because of their habits and customs and because of the existence of considerable ill-feeling, which often leads to serious disturbances, between them and the Hindus with whom they form the bulk of the population. Similarly I should support the presence in the council of representatives of the Hindu community. The presence of members of these communities in the council should not however be obtained by election by each community if it cannot be obtained by election in the ordinary manner but by nomination. The difficulty of deciding which individuals are Christians and which are not and the grave objection to any enquiry being made into the religious beliefs of individuals which would be occasionally necessary is a minor objection but it is one of importance.

6. It is true that the non-officials in the Legislative Council have in reality no voting power and that in their selection the sole object of Government may be said to be to secure the presence on the council of representatives of all the different classes and interests in the Province, but it is idle to argue that any such representation can be obtained even approximately by the selection of 17 members as proposed. No one would venture to contend that one Brahman could possibly represent the whole community of Brahmans or one Christian the whole community of Christians. Whatever scheme is adopted it is quite certain that Brahmans will be represented among the elected members. Why then give Brahmans the right to select a representative? Again Christianity is sure to be sufficiently represented among the official members. There may be no Native Christian on the Council but it is hardly possible to hold that the Native Christians are a body of such position either as regards wealth or education as to deserve special representation. It is a known fact that the converts to Christianity in this Presidency are recruited almost entirely from the classes of Hindus lowest in the social scale and no large increase in their comparative number is probable.

7. Nor do I think selection by a particular class is justifiable except perhaps in the case of zamindars and proprietors of permanently-settled estates who undoubtedly ought to be represented in the Council and who are so limited in number that it matters little whether they themselves select their representatives or not. There does not however appear to be any good ground for allowing Barristers, Advocates and Vakils to select a representative. The reason for such a proposal cannot be based on their number or wealth as they come very low down both as regards number and wealth in the list of classes in the Presidency. It must therefore be based on the fact that the class contains an unusually large number of educated men or be due to the idea that it is only by permitting the members of this class to select a representative that their number in the council can be restricted. The fact that this class contains a large number of educated men is a good ground for not restricting their number. There is practically no opening for educated men of ability and of moderate means outside the legal profession and it is therefore among its members that all the most able men of education will be found and if their number

in the council is restricted to one or two it will be impossible to find for the remaining seats men who are competent to fill them. The object of the proposed changes is to give the people of Madras wider opportunities of expressing their views, but to begin by limiting to an increased extent the powers given them of selecting persons to represent them cannot be said to effect this object.

8. To the method suggested for the election of members the largeness of the areas over which the voting will be spread is a serious objection and I certainly think that any class representation considered necessary should be obtained by nomination as proposed in clause (*f*) of the scheme. Representation can only be real if it is for an area over which the inhabitants have common interests. As pointed out both by Mr. Stokes and Mr. K. V. Srinivasa Aiyangar the Government of India apparently contemplates that District Boards and Municipalities should continue to exercise the privilege of election they have enjoyed for fourteen years and any withdrawal of this privilege will undoubtedly be unpopular. Some scheme such as that suggested by Mr. Stokes in paragraph 7 (ii) of his letter might be carried out but personally I believe that if an occupational basis is adopted by District Boards and Municipalities, these bodies will be rendered still less efficient than they are at present. As it is, it is almost impossible in many places to procure members for these bodies who are in any way competent, and if the range of selection is limited it will merely mean that the number of unsuitable members will be augmented.

9. If the elections are to be by districts the qualification of the electorate would probably have to be fixed separately for each district. In this district were the qualifications in paragraph (*d*) (iv) adopted the electors would be as follows :—

(*a*) Those assessed to income-tax on an income not less than Rs. 5,000 ..	17
(*b*) Pattadars or inamdars of land on which the full assessment will be not less than Rs. 2,000	10
(*c*) Persons with equivalent qualification by adding together the qualifications under (*a*) and (*b*) possibly	5
Total ..	32

These figures are only approximately correct, but they will show how impossible it will be to have an electorate for the district on these qualifications. Not only is the number small but among these 32 individuals there are probably none of those who by education and intelligence are most competent to be electors.

10. Any system based on electorates spread over an area so large as or larger than a district would I believe be a complete failure from every point of view. The election would have little meaning to most of the electors and would tend to add largely to the impurity of public life. At the same time the system would involve considerable expenditure and would increase to no small extent the work of the district officers. The proper and only method of dealing with the question seems to me to be to place, if possible, such bodies as the Local Boards and Municipal Councils on a more satisfactory footing, increasing the number of elected members and making such rules as will tend to improve their personnel. The country is not ready for electorates spread over extended areas and it is simply wasting energy to establish them.

ENCLOSURE No. 1.

Letter—from M.R.Ry. K. V. SRINIVASA AIYANGAR Avargal, B.A., Treasury Deputy Collector, Anantapur.
To—the Collector of Anantapur.
Dated—the 27th January 1908.

In reply to your letter reference on current B. & G. No. 1053, dated 12th December 1907, I have the honour to submit the following note :—

Note.

I take up first paragraphs 4, 5 and 6 of the memorandum, which deal with the enlargement and reorganisation of the Madras Legislative Council.

2. The scheme detailed in paragraph 6 provides for the creation of nine electorates selecting fifteen persons to the council, while under the present rules seven persons are selected by five electorates. This means considerable enlargement and so far the proposal should be quite welcome. There is no explanation in the memorandum as to how the figure 17 has been arrived at and whether it represents an enlargement "to the fullest extent compatible with necessary authority of Government" as mentioned in paragraph 10 of the Government of India's letter. It would, I think, be an advantage to supply information on this matter to the public.

3. As far as the reorganisation is concerned the scheme is not in my humble opinion an improvement on the present state of things. It is on the contrary I think a step backward.

4. Paragraph 6 of the memorandum mentions paragraphs 17 and 20 to 22 of the letter of Government of India. Paragraph 17 deals with the creation of an All India Muhammadan electorate and 20 to 22 with the Provincial Legislative Councils. In paragraph 21 of the letter it is distinctly stated that "the Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years". It has not been explained in this scheme why it has been found necessary to deviate from this definite statement. Apparently the Government think that the District Boards and Municipalities as at present constituted are not suitable as electorates or even as bases for other electorates. Their reconstitution appears to be under contemplation as stated in paragraph 7 of the memorandum. It should, I think, have been explained how they are at present unsuitable in this Presidency and how the remedy mentioned by the Government of India in the last sentence of paragraph 21 of their letter has also been found inappropriate.

5. In constituting the present electorates the principle that has been followed is apparently what has been stated in paragraph 9 of the Government of India's letter that "territorial representation is unsuited to India" and again in paragraph 16 that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent." The unsuitability of territorial representation which is the first statement is apparently explained by the latter as being due to the existence of differences of beliefs and traditions among different communities—a fact which cannot be ignored. To the principle so stated no community can take any objection, nor I believe does. Also to the corrollary that follows from it stated in paragraph 22 clause (*a*) that the Local Government shall determine how many seats are to be filled by elected representatives of the most important classes into which the population of the province is divided by race, caste or religion and shall allot these seats to the several classes, no reasonable objection can in my opinion be taken. But I do not understand how the conclusion that different electorates working independently of each other are the best means of regarding the tradition and beliefs of different communities and of securing for them the proportionate number of seats has been arrived at. The suggestions mentioned in clauses (*b*) and (*c*) of paragraph 22 of the Government of India's letter and the present scheme are made on the assumption that such a conclusion is inevitable.

6. One's interest in one's country is not enhanced or diminished by the religion that one professes nor by the fact of one's birth in any caste or race or tribe or any one of the other names for the irrelevant divisions of humanity. The logical basis of such interest is the fact that one derives one's sustenance from the soil on which one is born either directly or indirectly and that well ordered progress is a necessary condition for the continued earning and enjoyment of such livelihood. The slow, but I hope sure, recognition of this fact is distinctly in my humble opinion one of the "New social and political conditions which now affect the course of Indian affairs" such as referred to in paragraph 2 of the Government of India's letter and from which it is stated in the same paragraph that even the "ruling chiefs, the land holding and commercial classes possessing a material stake in the country and representing the most powerful stable elements of the Indian society" do not keep aloof. That is but the inevitable result of the fact for the first time in the history of this country after the introduction attended with violence of various discordent elements into it from outside, continuous peace has reigned for such an interval as could give the people time to pause, reflect and see where they are. The introduction of the principle creating electorates working independently of each other in the construction of political machinery, at this stage is not only a failure to make an attempt to take advantage of this new social and political condition but will also be rightly viewed with reasonable apprehension that the continuance of such new condition is likely to be endangered. It is not explained anywhere how the introduction of such a disturbing element has been found unavoidable.

7. It is stated in paragraph 16 of the Government of India's letter that under the system of election now in force, "Hindus largely predominate in almost all the electorates with the result that comparatively few Muhammadan members have been elected." There is in this sentence a juxtaposition of two facts of which one is a likely cause of the other and on that account alone apparently has been stated to be the actual cause. Has there been a single instance in the last fourteen years of an eligible Muhammadan gentleman rejected on that account by the Hindu electorate? If it should be stated that Muhammadan gentlemen do not come forward readily to seek the sufferages of the Hindu electorate, is that a tendency to be encouraged in the best interests of all?

8. Let it be granted that the fact that the Hindus form the large majority of the electorate is the cause of this undesirable phenomenon of the absence of a proportionately strong Muhammadan element in the various councils. Is no other remedy possible than that of dividing the people into separate electorates? Cannot an electorate composed of all the communities be told that they should return so many Hindus, so many Muhammadans, etc. Cannot in the composition of the electorate itself steps be taken to secure that the community which is in the majority in any Province shall not have a majority in the electorate. I say that a people though they are in the majority in any Province should not by themselves form a majority in the electorate, for, probably that is the only means by which the reasonable apprehensions of the minorities can be met. The sacrifice by the majority of a certain share of their representation, whether that majority be Hindus or Muhammadans, is a sacrifice which may well be demanded of them and

insisted upon by an absolute Government in the interests of all. Let us suppose in the case of Madras each district is to choose twelve men, five to be Hindus, four to be Muhammadans, two Indian Christians and one European. An electorate so formed for the Presidency saddled as it shall be with the condition that it shall return, say, six Hindus, four Muhammadans and three Indian Christians and two Europeans to the Legislative Council will, I think, be more satisfactory. To make the people feel that they are also putting their shoulders to the wheels of Government and are one with it is the main object of these reforms, but to introduce the idea that each community has got a separate interest in the Government is, I think, a sad mistake. The introduction of the principle of making different communities work separately cannot but be viewed with apprehension in the absence of an explanation that it is unavoidable and will also be viewed with distrust.

9. The necessity for securing proper representation of the different communities in this country rests upon the fact that it is desirable in the interests of all that the communities should progress together. It is no advantage to any one community that it should go in advance of another, for then the tendency will be for the advancing community to overlook the claims and rights of others who are however sufficiently powerful and will then create a set-back which will be worse than the temporary advantage gained. For this purpose however only four communities need be recognised in India, the Hindu, the Muhammadan, the Indian Christian, and the domiciled European. To go further and sub-divide is, I think, entirely unnecessary. There can be no end of such sub-divisions. I do not see the reasonableness of separating the Brahman from other Hindus nor the necessity of sub-dividing Hindu society into zamindars and non-zamindars or agriculturists and artisans. If a zamindar will not care to mingle with others and bend down so far as to ask them to permit him to discharge public duties, showing credentials at the same time that he can efficiently do so, the best thing will be to leave him alone. But there is every reason to hope that many of them have "become more and more qualified to take a prominent part in public life" and will not hesitate to mingle with others. In paragraph 17 of the Government of India's letter a scheme for the provision of an All India Muhammadan electorate is laid down. That scheme is excellent. It is simple. It gives room to those who have bestowed some pains on developing their mind (I am not confounding this with mere keenness of intellect) and after all it is the men that can think for others and to themselves that are wanted in the councils of Government. The formation of an electorate of that kind composed of all denomination and consisting of between two and three hundred persons for the whole Presidency and charged with duty of making adequate representations for the four communities mentioned above, will it appears to me be the best thing to do.

10. Even should it be considered absolutely necessary to provide for so many zamindars specifically, this can be done by and through a single electorate. Besides the method of calling up an electorate to return so many members of each class or race, the method of choosing from among the nominees of such an electorate either in part or wholly such numbers of various classes as will secure adequate representation for all is, I think, feasible. This is different from the present method of nomination directly by Government independently of any electoral body.

11. The disadvantages of having separate electorates appear to me to be very many and far reaching. I merely enumerate them below:—

(1) No representative of any of the electorates can claim the same regard at the hands of Government that he will in a way be entitled to if he represented the whole people.

(2) The tendency to look upon themselves as representatives of special interests, even where there really are no such interests will appear and make smooth working more and more difficult.

(3) The tendency for each electorate to select such persons as will vigilently guard its interests assuming a purely imaginary antagonism to other electorates will set in and develop. The persons so chosen will not be the best *mind* of India, but the most orthodox Brahman, Mussalman, Christian, or the most conservative zamindar.

(4) The tendency of the representatives of each of the electorate will be to bring to bear on the discharge of their duties, the disturbing element of calculating whether the expression of any particular view is likely to make his community rise or fall in the estimation of Government.

(5) Consequently the Government will not have the most disinterested representation possible before it for consideration. Nor will the acquiescence by such representatives in the Acts and measures of Government, commend these measures any the more to the acceptance of the large body of persons who can think upon such subjects and who stand outside the pale of all electorates.

(6) It is a distinct and serious loss to the country that the opportunities which a single electorate will afford of bringing various communities together for a common purpose and thereby understanding each other better should be lost.

(7) The difficulty of providing adequate representations for various races and interests without unduly extending the electorate over meaninglessly large areas is not the least of the disadvantages. Clause (*e*) of paragraph 6 of the memorandum shows that this difficulty has been felt.

12. These considerations make me regard the scheme under contemplation as far as the reorganisation of the electorate is concerned a step backward.

13. Regarding paragraph 3 of the memorandum I submit that the same or similar remarks apply to the proposed constitution for the Imperial Legislative Council. The formation of an All India electorate on the same principles as stated above will I think better serve the purpose which the Government has in view of "giving the people of India wider opportunities of expressing their views on administrative matters." In this case as in the case of Provincial Councils the enlargement is a welcome change.

14. Paragraphs 1 and 2 of the memorandum call for the suggestions regarding the constitution and working of the Provincial and Imperial Advisory Councils. I submit the following :—

(1) In the last four sentences of paragraph 6 of the Government of India's letter is laid down a procedure for the working of the Provincial Advisory Councils. This I think should be adopted for the Imperial Council also.

(2) The proceedings of both the Councils when called together for collective consultation should as a rule I think be public. Occasions may arise when the consultation may have to be confidential and in such cases the proceedings may be kept private. All consultation whether individual or collective should however be formal and the opinion offered brought on record.

(3) I would also commend for consideration the desirability of introducing a system of election into these Councils also.

(4) The inclusion of Native Chiefs is I think a desirable change which should be tried.

15. The successful working of these Advisory Councils cannot now be definitely anticipated, but there is every probability of the scheme proving a great success if proper spirit is brought to bear on the matter both by the Government and the councillors. The intention to do this will certainly not be wanting, but there is one very serious difficulty in the way. The people of India are in low estimation everywhere and even their own country is not an exception. It is rather hard both on the "advisor" and the "advised" that they should be brought together, the former to do what he is often not fit to do and the latter to listen to what he will in nine chances out of ten consider not worth listening to. A likely result will be that the advisor degenerates into Oliver Twist and the advised is looked upon as a tyrannous Village Beadle. I say nothing about the justice or otherwise of the low estimation in which the people are held, but that fact remains and may as well be taken into account. The present proposals should go a great way towards creating the conditions in which the removal of misunderstanding by various communities of each other is possible provided they are freed from the dominating note of different electorates.

16. The term of five years proposed for the Legislative Councils seems to be too long. Three years I think will be more suitable. For the Advisory Councils however a term of at least five years should I think be prescribed.

ENCLOSURE No. 2.

Letter—from MUHAMMAD BAZLULLAH Sahib Bahadur, B.A., Head-quarters Deputy Collector, Anantapur.
To—the Collector of Anantapur.
Dated—Camp, the 13th January 1908.
No.—D. Dis. 87.

With reference to the memorandum annexed to G.O., No. 886, Public, dated 22nd November 1907, forwarded with your letter, dated 12th ultimo, inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I have the honour to submit the following remarks :—

(i) *The Imperial Advisory Council.*—This Council is to consist of ruling chiefs and territorial magnates to be appointed members by the Viceroy. It is a question whether the principal ruling chiefs would not consider it *infra dig.* to sit on the same level with the territorial magnates in a large assembly. It would also be hard to find among the territorial magnates persons of real character and capacity, sufficiently well informed as to the needs of the people and in sympathetic touch with them. Retired Diwans of Native States and high officers of Government who have retired after years of meritorious service would seem to be more suitable and likely candidates. The scheme is, however, well worth trying. Its success will of course depend on the intrinsic worth of the individuals appointed and the value attached to their opinions by the Government and the public.

(ii) *The Provincial Advisory Council.*—The above remarks apply equally to this Council. It is hard to imagine questions which this Council will be called to deliberate and advise upon. The Provincial Legislative Council, enlarged as proposed, would seem to be a more suitable body for all practical purposes. As, however, the memorandum assumes the utility of a Provincial Advisory Council as distinct from the Legislative Council, I have nothing more to say on this point.

(iii) *The Imperial Legislative Council.*—I have no remarks to offer on the proposed scheme.

(iv) *The Provincial Legislative Council*.—It is proposed to give effect to the principle of the representation of classes by a division of the electorate on a race or caste basis. I submit that such a division is unsound in principle and inexpedient in practice. Differences begot of caste, race or religion do and will exist and it is idle to dissemble the fact. But to make these unhappy differences the basis of the constitution of the Legislative Council would be to tacitly countenance if not to accentuate them. Moreover, an electorate consisting of all the Brahmans or all the Muhammadans of the whole Presidency would be too heterogeneous a body to be able to exercise its privilege of election with any satisfactory results. There is little community of interest between the Muhammadan of the Northern Circars and the Mappillah of the West Coast, and similarly, the Tamil Brahmin of the South and the Konkani Brahmin of South Canara have nothing in common except the name. The inevitable result would be that quite in the dark as to the relative merits of the several candidates an electorate constituted as above would fall into the hands of wire-pullers or fail to choose a suitable representative.

I do not know why territorial representation is considered to be unsuited to India. The old Village Panchayat—a typical and at the same time an effective form of local self-government—was as essentially a territorial as it was an Indian institution. If members selected are to be truly representative and if they are to reflect the views, the wants, and the desires and aspirations of the people, the electorate should, I venture to think, be divided into distinct local areas (*e g.*) the Circars, the Deccan, the Carnatic, the Tamil and the West Coast districts. The adequate representation of special interests and minorities, *e.g.*, of the Muhammadan community, can easily be secured by the Government reserving some more seats for nomination. Whenever any of these communities do not get their proper share of representation by election, Government may exercise its power of nomination in favour of a representative member of that particular community; and there can be little doubt that such a nominee would be a better and far more suitable representative of that community than one returned by an electorate consisting of incongruous elements and scattered over so heterogeneous an area as an entire Presidency. It would be easy to prevent a "virtual monopoly" by the pleader or by the Brahman by a process of rotation, *i.e.*, by declaring that a member of this particular profession or caste will be ineligible for election by any local area for two successive terms.

The property qualification for the electorates is pitched too high for districts like Anantapur. I think the property qualification should be fixed with due regard to the circumstances of each local area so as to secure a fairly large number of voters in that local area. For example, there is great disparity in this respect between the Ceded districts and the delta districts of the Presidency. The property qualification may be lowered in the case of special classes or communities.

I am afraid the period of five years is a bit too long. Mistakes are sure to be made in selection by the voters and it is desirable that an earlier opportunity should be afforded for reconsidering such errors. Moreover, changes in the views and aspirations of the people are going on so rapidly that a mediocre sitting in Council for a period of five years would in the latter part of his tenure be a fossil more ornamental than useful. I think three years would be a sufficiently long term.

ENCLOSURE No. 3.

Letter—from W. H. CAMPBELL, London Mission, Gooty.
To—the Collector of Anantapur.
Dated—the 18th December 1907.

I have the honour to acknowledge receipt of G.O., No. 886 of 22nd November 1907, containing the memorandum inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils. I have carefully considered the various suggestions put forward and have come to the conclusion that the principle underlying the scheme is admirable, but that the means suggested for its realization are anything but satisfactory. It would certainly tend to good administration to have Imperial and Provincial Advisory Councils, the members of which could bring the Imperial and Provincial Governments into closer touch with the people and make them better acquainted with their opinions, their feelings and their needs. If however the Imperial Advisory Council were to consist almost if not entirely of ruling chiefs and great territorial magnates, it would be vain to expect from it any real help in dealing with questions affecting the welfare of the masses of the population, for members of these classes have, as a rule, far less knowledge of and sympathy with the common people than the average English Civilian. Any measure that would tend to add to the power of the landed aristocracy would in my opinion be inimical to the interests of the people as a whole. Surely if there is one lesson which the whole course of European history teaches it is this. *Present and retired Diwans and men who have held high office under the British Government* would be very much better qualified to give advice than even the best informed and best intentioned of territorial magnates.

I would make the same remarks on the constitution of Provincial Advisory Councils. These would be of value only if their members were intimately acquainted with the needs of the common people and in true sympathy with them. The local Governments in choosing representatives would need to disregard mere property qualifications and select men of experience and sympathy.

I am thoroughly in favour of the proposals to enlarge the Legislative Councils and alter their constitution by the introduction of the principle of elective representation. As the carrying out of these proposals means the introduction of a certain measure of popular Government, which it is hoped will be gradually entered as the country becomes prepared for it, it is most important that no principle be adopted, likely, either in the present circumstances, or in the course of future development, to prove inimical to the welfare of the country. Now such a principle does, I think, underlie the scheme of class and caste representation outlined in the memorandum. One of the greatest obstacles in the way of social and political progress has been the division of the people into a number of sections devoid of a common purpose and incapable of uniting in a common enterprise. Although in the immediate present class and caste representation may seem the easiest way of ascertaining the opinions of the people, the tendency of such a scheme to perpetuate the present unhappy divisions, and the probability, one might say, the certainty of its forming a precedent which would give a wrong direction to the political development of the future are, I think, more than sufficient grounds for its condemnation.

I do not think Government can possibly do better than adopt a principle of territorial representation. With properly constituted constituencies any evils that might at the outset be connected with this principle would, I believe, as the constituencies come to realize their responsibilities, altogether disappear. I think the preponderence of lawyers in the Legislative Councils is a matter for regret, but unfortunately lawyers are at present almost the only class of educated men holding a position independent of Government Recent Government orders forbidding schoolmasters taking part in politics are to be regretted, because they exclude from politics the only class in the community able or worthy to compete with members of the legal profession for the leadership of the people. When education extends to the masses of the people so that they become able to take an intelligent interest in the affairs of the State, the legal profession will not predominate in India any more than it does at present in English legislative assemblies.

I cannot but admit that at present it would be impossible to confer the suffrage upon the masses of the people. It does not however follow from this that only a very few exceptionally wealthy persons should be allowed to take part in the election of representatives. The proposals of the Madras Government seem to me to involve an absurdly high property qualification. In this district, Anantapur for example, I doubt if there are half a dozen people who would be qualified under the proposed scheme to act as electors. Surely this is sufficient in itself to condemn the scheme. We, that is the people of the Anantapur district, are much better off under the present system than we should be under the new arrangement. The insistence on a high property qualification would in the Ceded districts at any rate restrict the franchise to just those classes of the community which are least regardful of the interests of the community, the successful lawyer, who has forgotten what it was to struggle for a livelihood, the big landholder who has acquired some hundreds of acres by getting possession of the fields of his neighbours, and the sowcar who has become rich by taking advantage of the poverty of the poor. Surely these are not the classes best fitted to choose men to represent the interests of the people. It would be a case of making the heron king over the frogs or entrusting to the wolf the care of the sheep.

I do not think Government should put any restriction whatever on the choice of the electorate. Let those who have the franchise choose the man who seems best fitted to represent the people, whatever be his religion or class or social position. As for the constituencies if it were possible to have an educational test that would be the best solution of the question. That is not however possible at present. It could however be adopted to a certain extent by conferring the franchise on all University graduates. In doing so there ought to be no rule preventing graduates in Government service from voting. As regards the rest of the community a property qualification seems at present inevitable. This however ought to be such as would not exclude from the franchise the more intelligent members of the agricultural and trading classes. In the Ceded districts at any rate proper representation would not, I believe, be secured unless the franchise were conferred upon all persons paying income-tax on Rs. 1,000 per annum or land-tax amounting to Rs. 150 to Rs. 200. Even on this basis the constituency in this district would not be a very large one.

It would, I think, be most advisable to extend the principle of election to District and Taluk Boards, but in the case of these it would be necessary to have a still lower property qualification. A revival of the old village panchayat system and a conferring upon the panchayats of the right of electing Taluk and District Board members would however in my opinion be the best solution of the question.

ENCLOSURE No. 4.

Letter—from M.R.Ry. P. ADIMURTI RAO Garu, Pleader and Chairman, Municipal Council, Anantapur.

To—the Collector of Anantapur.

Dated—the 17th February 1908.

Agreeably to your letter, Ref. on B. & G. No. 1053, dated 12th December 1907, inviting my opinion on the reform proposals of the Government of India and the referendum of the Government of Madras thereon, I have the honour to state that the reform proposals have not at all elicited public enthusiasm and approval in the district of Anantapur, as may be gathered from the following resolution of the District Association, passed at its meeting held on the 2nd December 1907, under my presidency, after a full discussion of them :—

"That this meeting most solemnly and emphatically declares that the conditions proposed by the Madras Referendum for securing the privileges of candidates and voters in the impending reform scheme of the councils are such as to cause profound disappointment among classes and castes of His Majesty's subjects ; that the suggested assortment of voters and candidates into castes and creeds is unsound in principle, undesirable in public interests and unworkable in practice ; that this meeting deeply regrets that the property qualification of Rs. 5,000 income will confine the electoral representation to a narrow circle and exclude the raiyat, the merchant, the artizan, the lawyer and other classes who form the great majority of the population and who are the backbone of the administration ; that this meeting notices with alarm and anxiety that the scheme is so framed as to keep out the lawyer, the only independent non-official class, who can afford to devote sufficient time and attention to the public cause ; that this meeting is surprised that having decided that the majority of the councillors should be official, His Excellency the Governor should maintain the power of appointing two out of seventeen non-officials, and also to appoint three members—Brahmans, Muhammadans and Christians—when difficulties are found for voting ; that the proposed scheme, if carried, will impair the efficiency of Legislative Councils and will tend to create positive discontent, to provoke class and caste jealousies and to accentuate religious differences."

2. That quite independently of the said resolution I am constrained to observe that the reform proposals formulated by both the India and Madras Governments are quite unsuited and in some directions really retrogade and reactionary.

The Advisory Councils, Imperial and Provincial, will be superfluities and not serve any useful purpose, if they are worked only by the Ruling Chiefs and territorial magnates and not by the acknowledged leaders of the public held in high esteem both by the public and Government and retired high officers of Government who spent their whole life in serving Government in various capacities and who are well acquainted with the needs and wants of the public. The Advisory Committees should be composed of such gentlemen, if they are to prove useful. I am for the total exclusion of the Ruling Chiefs. Their co-operation however much it may be in "accord with the best traditions of oriental polity" will not be of any material help to Government. They cannot be the proper agents for the diffusion of correct information upon the acts, intentions and objects of Government, for they rarely mix with the masses and understand their real grievances and wants. Their experience will be confined to the four corners of their respective territories. Their interests are not likely to be affected by the orders passed by Government from time to time, for their laws and regulations are quite different from those in force in British India. It is also very doubtful whether these Ruling Chiefs would, to the detriment of their legitimate duties and laying aside all notions of natural dignity, choose to sit with others not in power and exchange their views. They are besides not the proper authorities to be consulted as to the advisability or otherwise of introducing measures into British India likely to affect the interests of the British subjects.

3. The proposals framed for the reform of the Madras Legislative Council are open to the several objections noticed in the resolution of the District Association, Anantapur, noted in paragraph 1 *supra*. The aversion expressed towards the legal profession on its attaining a prominence in the Council is unjustifiable. It is one's capability to represent the grievances of the public fearlessly, fairly, and independently, and not the particular class, caste, or creed to which he belongs that entitles him to a share of representation. It is improper to place artificial restrictions upon the choice of the electors, who should be allowed to choose whomsoever they consider best fitted and competent to safeguard their interests. The electors will certainly take care to elect a man in whom they have confidence. It is no wonder that the lawyer class in India equipped as it is with high educational attainments, knowledge of the people and independence succeeds in gaining the confidence of the public and attain to prominence in elections, as in every other civilized country in the world. Excepting a few, most of the lawyers in India are men of property and have a stable interest in the administration of the country, as the Ruling Chiefs and other territorial magnates. The contemplated exclusion of this lawyer class from Council elections will, I fear, lower the efficiency of the Council.

4. The proposals in the Madras Referendum aim at the deprivation of that elective franchise which the Municipalities and Local Boards till now enjoyed and exercised since 1892, for no faults of theirs. These bodies have in the estimation of the Madras Government ceased to be representative bodies. The power vested in these bodies under the Indian Councils Act of 1892 should not

be withdrawn. There is no charge, not even the slightest imputation till now, that these bodies abused their powers and elected unworthy people to the seats in the Legislative Council, nor have they proved incapable of making a choice. The proposal of the Madras Government to take away elective franchise from these representative bodies is not in strict consonance with the view of the India Government as set forth in paragraph 21 of their proposals. The Government of India is not certainly for the withdrawal of the elective franchise from these bodies. All that they advocate is the introduction of special qualifications to the members of the Councils.

5. I am strongly against the high property qualifications that are sought to be introduced into the electorates for the new Provincial Legislative Council, as well as for the candidates. In the proposals of the Madras Government, the lower and the middle classes are wholly ignored. This high property qualification reduces the number of candidates and electors to a "microscopic minority." Riches have been made the chief criterion for one's competency to serve in the Legislative Council. The rich are not the only persons that possess the requisite ability, integrity, zeal for public good and desire to serve the public interests. This high property qualification will shut out many of the best educated natives of India from taking part in the deliberations of the Legislative Council simply on the score of their poverty. Riches and high educational attainments are rare combinations in an individual. It is all the more so, in the Ceded districts, where rich men do not generally care to educate their children. This high qualification will narrow the number of electors and keep the field open only to a handful of rich people. It is very rare that we get men of high educational qualifications from among persons of special professions, such as commerce, agriculture, trade, etc. In India where the average minimum income is calculated at Rs. 30 and below, it is regretable that the Madras Government contemplate to fix Rs. 5,000 income as the qualification for the franchise. In my opinion, the property qualification now fixed for a person seeking municipal elections may be prescribed as the property qualification for the electors and candidates for the Legislative Council also.

6. The formation of electorates based on castes and creeds is most objectionable and is calculated more to create racial misunderstandings than further the ends of a proper representation. There is no necessity for the formation of such constituencies. The Hindus did not certainly ask for separate representation. The Government may, if it so desires, safeguard the interests of the Muhammadans, by keeping open two seats exclusively for Muhammadans. There is no justification whatever for creating Christian, Brahman and other caste constituencies.

7. I suggest that the following scheme, which is highly conducive in the interest of the public, may be adopted, in lieu of that now proposed to be adopted by the Madras Government :—

Suggested scheme.

		No.
(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	„ selected by Madras Chamber of Commerce	1
(*c*)	Selected by the Senate of the University	1
(*d*)	„ „ Municipalities (North and South group)	2
(*e*)	„ „ Madras Corporation	1
(*f*)	To be set apart for Muhammadans (to be filled by nomination) ..	2
(*g*)	Selected by the zamindars and other big landholders in the Presidency	2
(*h*)	Non-officials nominated by the Governor to represent minorities or special committees	4
	Total ..	17

Enclosure No. 5.

Letter—from Hatti Siva Rau, Pleader, Anantapur.
To—the Collector of Anantapur.
Dated—the 6th January 1908.

Adverting to your Reference on B. & G. No. 1053 of 1907 inviting opinion on the Madras Referendum, I have the honour to give my views below.

The scheme proposed by the Madras Government is altogether inadequate in number as well as in regard to the method of distribution of seats. That all the members of a particular caste in the Presidency can be represented by one gentleman is most unimaginable in theory as it is equally the most impracticable in practice. Besides the idea of caste representations seems to me really grotesque, as it will finally result in setting one class against another and thus create undesirable and irreconcilable animosities.

I am afraid that such distinctions will eventually weaken the constitutions of the Council rather than strengthen it and thus frustrate the fundamental object of the Referendum, which is to give the peoples of India wider and greater opportunities to express thier views on matters administrative. What is wanted, at the present juncture when the country is passing through a

crisis, is a wider and greater representation of the districts, many of which are too far removed from one another and differ very much in their local features, characteristics and wants. If representation is to be real, so as to give due and ample share to different classes and interests of the community in the several districts of the Presidency, it should be by giving a voice to each district by persons who are residents thereof and who know the real grievances of the people.

Since the Government have decided that the official element should predominate the non-official in the Council, there will be no difficulty in securing the representation of each district, if the number could be sufficiently increased, the official element being also increased in proportion.

As for the property qualification of voters and candidates for seats in the Legislative Council, I think the recommendation of the Madras Government are not sound and well considered. The country is interested in securing the services of its best men that can be found in any caste or creed, and since talent and capacity exist independent of property, it is but right that there should be no restriction on the choice of electors. The aim should be to allow the largest freedom of choice to the electors and to bring within the electorate the most intelligent classes of property owners and tax-payers. To attain this aim, I propose, taking into consideration the state of this district, that the property qualification of each voter and candidate should be fixed at an annual income of Rs. 1,000 or payment of Rs. 100 land assessment to Government.

As for the establishment of Advisory Councils, I am of opinion that the creation of such bodies will to a certain extent bring the Government in touch with the people and thus enable it to know the real condition, grievances and wants of the people. This again depends upon the choice of members the Government make.

To obtain the individual views of leading merchants, landholders and vakils, a public meeting was called for under the auspices of the District Association on 2nd December 1907 and the subject was fully discussed and certain resolutions, which embody the opinions of those present, were passed. I herewith send you a copy of those resolutions for your information.

At a public meeting of merchants, landholders and vakils on the 2nd December with Mr. Adimurthi Rao, Municipal Chairman, in the chair, the following resolutions were duly considered and passed:—

(1) That this meeting most solemnly and emphatically declares that the conditions proposed by the Madras Referendum for enjoying the privileges of candidates and voters in the impending reform scheme of the Councils are such as to cause profound disappointment among classes and castes of His Majesty's subjects.

(2) That the suggested assortment of voters and candidates into castes and creeds is unsound in principle, undesirable in public interests and unworkable in practice.

(3) That this meeting deeply regrets that the property qualification of Rs. 5,000 income will confine the electoral representation to a narrow circle and exclude the ryot, the merchant, the artizan, the lawyer and other classes, who form the great majority of the population and who are the backbone of the administration.

(4) That this meeting notices with alarm and anxiety that the scheme is so framed as to keep out the lawyers, the only independent non-official class who can afford to devote sufficient time and attention to the public cause.

(5) That this meeting is surprised that having decided that the majority of councillors should be official, His Excellency the Governor should maintain the power of appointing two out of seventeen non-officials and also to appoint three members out of Brahman, Muhammadan and Christian, when difficulties are found for voting.

(6) That the proposed scheme if carried will impair the efficiency of Legislative Councils and will tend to create positive discontent, to provoke class and caste jealousies and to accentuate religious differences.

ENCLOSURE No. 6.

Letter—from M.R.Ry. P. KESAVA PILLAI Avargal, Pleader, Gooty.
To—the Collector of Anantapur.
Dated—the 17th February 1908.

With reference to your letter, dated 11th February 1908, Ref. B. & G. No. 1053 of 1907, I have the honour to submit the accompanying memorandum embodying my views on some salient points in the referendum on Advisory Councils and enlargements of Legislative Councils as well as my statement and evidence before the Royal Decentralization Commission. I confine myself to the question of local Legislative Councils.

Memorandum.

The scheme proposed for enlarging the local Legislative Councils is an improvement on the old system in an important respect. The representation proposed is to be direct instead of being indirect as hitherto.

2. Though the Government increased the number of non-official representatives, yet they have made it clear that Government do not introduce the principle of representative Government but mean to have representation of interests on a larger scale.

3. Whether the scheme of representation proposed on the scale suggested in the referendum would in any way improve the existing system and meet the popular needs, has to be considered.

4. The policy of Government has always been to make the people, high and low, rich and poor, feel that Government steadily aimed to create a sense of equal opportunity and no favour, at any rate so far as Indians are concerned.

5. The allegiance to a common Sovereign, and the community of interest in all matters pertaining to taxation and administration, have been potential in influencing, for a century and more, of British rule, the old hatreds and feuds dying out, strange angularities being rounded off, and enfeebling superstitions loosing their hold on the minds of the masses.

6. The beneficent policy of secular education and impartial treatment in law have uplifted lower castes and widened the horizon of depressed classes.

7. There is still no doubt religious and sectarian squabbles here and there, but under the impact of Western culture, and advancing religious thoughts, there will be as time passes less and less of intolerance and more and more of toleration among illiterate Hindus and Muhammadans and among different sections.

8. The scheme if put into operation will surely open old sores, create jealousies and accentuate differences tending to undermine all the good work done in the past. Men will not be wanting in each community who will not subordinate public interest to their personal ambition and stir up the dying embers of racial prejudices and religious animosities to gain their end, that is, to enjoy the doubtful boon of sitting in the Council.

9. The property qualification is too high, especially for a district like Anantapur.

10. One cannot think of men in this district with Rs. 5,000 income a year, who would be fit to vote for a Legislative Council member.

11. Hitherto in the indirect representation the district enjoyed the privilege of having a voice in the selection of a member. All such educated men, such merchants, ryots and officials, as had the satisfaction of voting as members of District Boards and Municipal Councils will be nowhere under the scheme. In fact the district will have no voice in future.

12. Therefore, caste and class representation are reactionary and incompatible with the beneficent spirit of the British rule.

13. Each district may be made a unit; and reasonable property and literary qualifications prescribed; so that territorial representation may be obtained with a reasonable expectation of proper representations of local conditions for each district.

14. A resolution on the subject was passed by the Anantapur District Association with Rev. W. H. Campbell, M.A., of London Mission in the chair and a copy of it submitted to the Collector and Local Government.

15. I venture to submit herewith a copy of my written statement filed before the Royal Decentralization Commission and copy of my evidence given before them on the 27th November 1907 at Madras.

16. I suggested in my statement paragraph 8 onwards the revival of panchayat system on an elective basis and election of members to Local Boards; and I have explained in my evidence the advantage of creating an electorate for Taluk Boards and District Boards.

17. I would submit that an electorate consisting of all Panchayat members, Taluk Board members and District Board members and heads of religious bodies owning inams, and men of literary qualifications, and men paying a revenue of Rs. 500 land assessment, or an income-tax on an income of Rs. 2,500 a year, be made voters for electing a council member for the district. In each taluk head-quarters votes can be easily collected and the results declared at the head-quarters of each district. Then only people will feel that some *living representation* and *political education* are seriously meant by Government.

Enclosure No. 7.

Letter—from M.R.Ry. T. Sivasankaram, Pleader, Penukonda.
To—the Collector of Anantapur.
Dated—the 2nd January 1908.

I beg leave to forward herewith a memorandum of my views on the proposed Advisory Councils and expansion of Legislative Councils in response to your letter, dated 12th December 1907, Ref. on B. & G. No. 1053.

Memorandum.

Imperial Advisory Council.—1. It is unlikely that the Ruling Chiefs of any importance would care to sit with the territorial magnates.

2. Without disparagement to rare exceptions the generality of territorial magnates are not the people who could be called their representatives, and it is to be feared that most of them may not be competent to be of any use on the council with all their dignity and status, because they are scarcely in touch with the outside world.

3. A standing council of sixty members would be rather unwieldy and is not likely to serve any useful purpose, specially in view of the fact that questions which are of Imperial nature are discussed from every point of view in the press.

4. A list of competent non-officials in every province might be drawn up just as Jurors' lists are made out and any of them might be consulted or called together as occasion requires. The duty of making such a list might be left to the District Boards, the Local Government fixing the maximum number of members to be so selected for each district. If an Imperial question affects a particular province, profession or interest more than any other, and non-official opinion is required on such a question, a majority of members belonging to such province, profession or interest might be summoned along with any others. This scheme would afford sufficient scope for territorial magnates if there are any in each locality. If necessary, residential property, and educational qualifications might be fixed. Questions relating to new Legislative measures to be introduced such as Epidemic Diseases Act, Sedition Suppression Act, etc., the policy as to Settlement, Forest, Abkári, Education, Post Office, Railway and Commerce and redistribution of territorial jurisdictions might be referred to them for advice.

Every member of the council so selected might be made an honorary first-class Magistrate empowered to try only such cases as might be referred by Local Governments; for example, seditious cases of minor importance and of good behaviour in times of unrest, or other troubles arising from Vis-Major, such as plague, cholera, etc. Such a step would serve to infuse confidence in the people.

Provincial Advisory Council.—Even these bodies could be constituted on the lines above indicated. There could be no objection or difficulty in making the list of competent men with reference to different professions and industries; and whenever the Local Government have to decide questions relating to any profession, industry or locality, in particular, majority of members belonging to such profession, industry or locality might be called together or consulted.

Questions relating to settlement, remissions, and all such which have an intimate connection with the working of the several local laws might be referred to them.

Every member who is on the list might be made an honorary second-class Magistrate and be made to sit in the local courts with the Magistrates for trying cases relating to, say, Hindu-Muhammadan or Hindu-Christian riots, as also in cases where land or water disputes arise between different villages.

Imperial Legislative Council.—As to the expansion of the Imperial Legislative Council, I have no suggestions to offer except the number of seats of non-officials to be nominated by the Viceroy under clause (*e*) of paragraph 12 of Government of India's letter—might be increased to 6 or more to provide for any race or class which needs a special representation. If necessary the number 20 of officials to be nominated by Viceroy might be reduced to 18 or less.

Provincial Legislative Council.—The scheme as proposed by the Government is unsuitable to the present times There is nothing in common between, say, the Brahman of Gódávari and Trichinopoly nor of the Muhammadan of the Ceded Districts and of Malabar. On the other hand there is greater sympathy and community of interest between a Muhammadan and Hindu of one and the same district than between two people of the same race living in two different districts. Owing to the spread of English education and British ideals caste and race differences are slowly vanishing and it will be injurious now to accentuate such differences.

The best plan will be to have electorates which are territorial consisting of a couple or more districts of which the conditions are same or similar.

Class and race classifications in the matter of electorates while being impracticable and useless might give rise to endless complications in the matter of election proceedings.

To provide proper representation in favour of any backward class or community, the Local Government might provide a few more seats to be filled up by nomination as occasion requires.

The condition of membership and property qualifications for voting may have to be regulated to suit the above suggestions. The property qualifications have certainly to be lowered.

XIV

Cuddapah District.

Enclosure No. 1.

Letter—from M.R.Rv. N. Narasinga Rao Garu.
To—the Collector of Cuddapah.
Dated—Jammalamadugu, the 29th December 1907.

With reference to the Government of India's scheme circulated to me for my views I have the honour to submit as follows.

It appears from the Government of India's letter that the advancement of education, the anxiousness of the land-holding and commercial class for opportunities for expressing their views on matters of practical administration, and the need for free and close consultation between Government and its subjects so as to make the measures and the motives of Government generally understood, have forced on the Government of India the consideration of the question of giving the people of India wider opportunities of expressing their views on administrative matters.

If it be for these purposes that the Advisory Councils are to be created—and it does not appear from the constitution and the duties of these Councils they are intended for anything more—then I may be permitted humbly to submit that the Advisory Councils will fail to fulfil any of the objects that bring them to existence.

The Imperial Advisory Council will consist of 60 Imperial Councillors (twenty ruling chiefs and about forty territorial magnates) all to be appointed by the Viceroy. This Council will be purely advisory, with no statutory basis, no powers of initiative, coming together when summoned by the Viceroy, holding only private, confidential, informal meetings. The Government of India's letter quotes telling figures about the spread of education in India, but one is curious to know what percentage of this advancement is shared by these chiefs and magnates. We all know that this advancement has been almost wholly among the middle classes of our community. Surely I am not wrong when I say that the ruling chiefs and the territorial magnates are yet much too secluded in their ways. They are not in any sense representatives of the people. Rarely, if ever, have they identified themselves with any cause affecting the welfare of the people. They are strangers to the hopes and fears, aims and aspirations of the people. It is significant that in the Decentralization Commission not one chief—at least as far as Madras is concerned—was examined. Their voice can never be the people's voice. Their position, power and dignity rest on the will of the Government. Under these circumstances and with the added assurance that their councils will be kept secret, free from the inconvenience of public criticism, I will not be surprised if they fail to give fair, free, fearless and independent advice. To be led by such a body of men and under such conditions is to be only misled.

Again, without the Advisory Council, have not the Government been knowing the views of the people on almost all questions great and small? The Government was quite aware of the views of the public on questions such as the Partition of Bengal, the Seditious Meetings Bill, the Official Secrets Act or nearer still the quartering of punitive police in Cocanada. The Government had, I believe, no doubt about the opinion of the people on these questions. Could it be that Government thinks that these chiefs and magnates are better custodians of country's views and hence the need for a council of theirs? Moreover these councils, unrecognized by the legislature, consulted or not at the will and pleasure of the Viceroy, with absolutely no power to make themselves heard, their voice in the administration of the country will surely remain a voice, and nothing more. There will be a sort of representation but nothing having the remotest resemblance to anything like a representative Government. These proposals are so aimless that some have been led to suppose that the Government merely wanted to create a small body of its own men or its dependants who will be an echo of its own views on public questions and which may be set against the opinion of the educated class. This view may be wrong, but cause for such a construction has been given.

The enlargement of Legislative Council.—Two considerations appear to have swayed the Government in its proposals under this heading. First, that territorial representation is unsuited to India and secondly, that lawyers predominate in the Councils. Therefore the Government wants to introduce not only class but even caste representation. This is surely beginning at the wrong end. It will be a complete reversal of the old and wholesome policy. The Government by not recognising the petty differences between class and class have helped to throw each on the support of the other, the Hindu on that of the Muhammadan, the Muhammadan on that of the Christian and each on all. They were growing in the feeling that their lot has been cast together, that they belonged to one country, one cause, and one Government. But the Government in creating these caste constituencies will be emphasising the differences, set up again the broken barriers between class and class and rekindle the dead or dying embers of internecine hatred and jealousy. This is not a consummation to be wished for. Caste as a basis of political power is not seen even in Indian history from the time of Asoka barring a short exception in Maharashtra rule. There was no complaint that one class sacrificed the interests of other classes for its own. If any class is not well represented and needs representation, nothing should have prevented the Government nominating members from that class. One fails to see wherein arises the need for such a novel procedure. Mr. John Morley, when he was asked to provide two seats in his Council for the natives of India, said "that the amendment proposed to do the very thing that all wise statesmanship forbade them to do, namely, to set up racial standard . . . . it would be putting into a statute a recognition of fundamental difference of race, whereas, all our civilising processes depend upon softening away those differences." Does this not apply to the proposed measure?

The preponderance of lawyers, if an evil, is an universal one and under the peculiar conditions of India perhaps a little more so. They are literate, they are often landlords, they are independent, they are in daily touch with the people, they are the natural leaders and

representatives of the people and they have always represented all interests faithfully and well. No complaint was made against their work. It is not clear why all this trouble to supplant them. Shut them out the seats in the Council will either remain vacant or but unworthily filled, for there are few who are willing and capable to bear the responsibilities of public life.

The property qualification is very high. The result of all these proposals will be to take power from the hands of the educated middle classes, and put it into the hands of the wealthy aristocracy. But everywhere the struggle has been to wrest power from the aristocracy and give it to the people. Why in India alone it should be otherwise it is hard to conceive.

Thus the principles underlying the Advisory Councils and the enlargement of Legislative Councils are anything but sound or beneficial.

Before I bring this paper, which has almost unawares grown so long, to a close, I beg to submit that real advisory work should begin at best in each district. Each district shall have an advisory body of a dozen or fifteen members. They shall meet once a month. They *shall* be consulted on some particular questions. And on those questions the Collector shall act on the advice of $\frac{3}{4}$ of its members, and if the Collector differs the matter to be sent up to the Government for final orders. The members of the Council will then feel the responsibility of their work and will take a living interest in it. These Advisory Councils or groups of them might be formed into electorates for sending members to the Local Legislative Councils. While the interests of the landlord and the ryot will have then been effectively represented in the District Advisory Councils, the larger interest of the province will be represented in the Legislative Councils. With the right to veto in the hands of the Governor or the Governor-General and the official votes always at their disposal the Government need not be anxious to have a standing majority in the construction of its political machinery. If it be only a question of a measure being good or bad, and if the Government is to be guided by the opinion of the majority of the members endowed with ordinary experience, knowledge and foresight, then the officials and the non-official members may be at least equal in numbers. It is not a question of two men not being able to wield one sceptre. The sceptre must be wielded by only one, India cheerfully grants it. While Britain wields the sceptre India had been allowed to say how it may be wielded. If this privilege is intended to be anything more than a mere formality, then at least half the number of members on the Legislative Council may be permitted to be non-official Indians.

ENCLOSURE No. 2.

Letter—from M.R.Ry. T. M. NARASIMHA CHARLU, B.A., B.L., Vakil, District Court, Cuddapah.
To—the Collector of Cuddapah.
Dated—the 17th December 1907.

I herewith submit my suggestions on the Government Order No. 886, dated 22nd November 1907, referred to me for opinion in your letter R.C. No. 1453/B & G of 1907.

The matter referred to me is of such vital importance and magnitude that I am afraid, it is beyond my power to cope with it or offer any useful remarks or suggestions. However I have tried to do my best in the matter and that, I believe, is my only satisfaction.

I.—IMPERIAL ADVISORY COUNCIL.

If the object of the Government of India in forming the Imperial Advisory Council is to call for its aid the advice of the members of such council either collectively or individually as well as to constitute it as an agency for the diffusion of correct information upon the acts, intentions and objects of Government, I am of opinion that the council should be so constituted as to include among its members men of light and leading who are in close touch with the people and who have studied the needs and aspirations of all classes of His Majesty's subjects and who in short can be regarded as the leaders of the people. It is only such gentlemen that can serve the purposes aimed at by the creation of such a council. I am afraid if the ruling chiefs and the territorial magnates can by virtue of their mere position alone be said to be in close touch with the people or their needs and aspirations. Their advice and opinions, though valuable in their own dominions, can hardly be productive of good concerning questions relating to His Majesty's Indian territory and its people. The constitution as proposed may appear a grand thing to look at but cannot be of any practical utility. I would therefore suggest to constitute the council with men of light and leading to the extent of at least one-third of the number now proposed.

2. As to the work which may be devolved upon the council I am of opinion that the members should be *collectively* requested to give their opinion and advice on all important *Legislative* and *Administrative* measures proposed to be effected or introduced by the Government

Individual advice or opinion on such measures will carry very little weight. To satisfactorily fulfil the aims of the Government by the creation of such council I submit that the proposed *confidential* nature of the communication and discussion may be abolished and I also think that it is not possible to keep matters secret or confidential when the council consists of so many as sixty members.

II.—Provincial Advisory Councils.

1. As to the constitution of these councils, I would suggest one member from each district (including Madras) who shall be a gentleman in close touch with the people and well acquainted with their needs and aspirations. He may belong to any class and not necessarily to the landed aristocracy, provided he is sympathetic, well learned, influential and capable.

2. As to the work which may be devolved upon these councils, I am in accord with the suggestions made in paragraphs 6 and 7 of the letter from Government of India, and wish to add that their deliberations shall be *collective* and *public*.

III.—Imperial Legislative Council.

1. I am of opinion that there should be more elected members than at present proposed. I would suggest the council to consist of fifty-five members including His Excellency the Viceroy and would make two-fifths of this number, *i.e.*, twenty-two members elected. I am not in favour of introducing any seat specially reserved for any class or caste, as is proposed to be reserved for the Muhammadans, for that would tend to create an unnecessary feeling that the Government favoured any particular class. In India for such a feeling to exist is not merely impolitic but would tend to an exclusion of the Hindus and Muhammadans from each other rather than create a feeling among them of mutual solidarity and compactness which should, I venture to submit, be the aim of Government to achieve. If the aim of the Government is to allow the Muhammadans to be sufficiently represented on the council, it can do so by nominating efficient Muhammadans, if they are not elected otherwise up to the desired number.

I venture to propose the following :—

His Excellency the Viceroy	1
A. as proposed by the Government	8
B. Do. do.	20
F. Do. do.	2
D. (*a*) Chambers of Commerce of Madras, Bombay and Calcutta ..	3
(*b*) As proposed by the Government	7
(*c*) Do. do.	7
(*d*) Universities of Allahabad, Bombay, Calcutta, Madras and the Punjab (all being non-officials)	5
E. Non-officials to be nominated by the Viceroy	2
Total ..	55

I omitted C as under D. (*c*) seven nobles and landed gentry will be elected.

IV.—Provincial Legislative Councils.

I venture to point out that the general principle stated in paragraph 20 of the letter of the Government of India, viz., representation by classes, races and interests is not a sound one. This has not been the principle of the Government for the last 150 years or more even since its permanent establishment in India and no one can say that the Government is not a success on account of the non-observance of this newly-enunciated general principle. The strict adherence to religious neutrality by the Government hitherto has been productive of untold blessings to the people and has won ever-lasting gratitude to the Government. I very much doubt whether a departure from the hitherto adopted policy would be productive of any good either to the Government or the people ; and I don't know whether in any country either ancient or modern, the newly enunciated general principle of representation by classes, races and castes has ever been adopted with success. This new principle if adopted and carried out will create a lot of heart-burning, jealousy and dissatisfaction among races other than those now sought to be represented in (*g*), (*h*) and (*j*), at page 15, viz., Brahmans, Muhammadans and Christians.

2. I would suggest twenty elected non-official members :—

(*a*) Madras Chamber of Commerce	1
(*b*) University	1
(*c*) I would suggest to make groups of allied districts and give each group one member as follows :—	
1. Ganjám, Vizagapatam and Gódávari	1
2. Kistna, Guntúr and Nellore	1
3. Ceded districts	1
4. North Arcot, Chingleput and South Arcot	1
5. Tanjore and Trichinopoly	1
6. Madura and Tinnevelly	1
7. Salem, Coimbatore and the Nilgiris	1
8. Malabar and South Canara	1
9. Madras	1

The voters and members should possess high property or educational qualifications such as persons paying Rs. 500 or more *land tax*, or income tax on Rs. 4,000 or above, or graduates of not less than ten years' standing resident in the groups of districts for not less than six months previous to election.

(*d*) Elected by zamindars, etc., as proposed by Government	2
(*e*) District Boards (north and south groups)	2
(*f*) Municipalities (north and south groups)	2
(*g*) Provincial Advisory Council (north and south groups)	2
(*h*) The Madras Corporation	1

If in these any class or race is not properly represented that may be supplied by His Excellency the Governor nominating the required number.

3. It is to be regretted that literate qualification is not proposed to be adopted in voting. If education is not a test for such a franchise, I fail to see what else has a greater claim. An educated man knows the value of his franchise and how and when to exercise it with discretion. He will be a great educative factor among other non-literate voters possessing property qualifications alone and he will also be a means of disseminating the true intentions, acts and motives of Government. If literate persons are shut out, that will be a source of discontent to them and a menace to goodwill and prosperity of the country as a whole. I would like to see the educated non-official Indians take part in some measure in the elective franchise and administration of the country rather than shut them out altogether. I therefore would insist on giving the right of voting to educated gentlemen also, though they have not got the required property qualifications.

V.—Election of Members of Local Boards.

I would suggest election of at least two-thirds the number of members of Taluk Boards and District Boards, that Taluk Boards should elect members to the District Boards; that the property as well as literate qualifications as proposed in the Government Order may be insisted on for voters and members; that greater powers should be delegated to the members by dividing them into committees and making them responsible for certain portions of the work of the Boards; that the Boards should elect their own Presidents and Vice-Presidents; that the Boards be subject to a general supervision by the Collector of the district as in the case of the Municipalities but only on a smaller scale and that the Boards should have a greater freedom in the matter of finance subject to a general supervision by Government but not in detail.

It may be said that the suggestions made above do not remedy but rather accentuate the evil of monopoly by pleaders, as alleged in paragraph 9 of the letter of the Government of India. I venture to think that there is no foundation for the supposition. The pleaders are as a rule also land-holders in most cases and consist also of gentlemen from the merchant and other classes. Of the educated men in India, the pleaders are highly educated not only in their profession but also in the constitutional history of many European and other countries and their politics. These are the gentlemen who are independent, who are in close touch with the people and the officials and who by their ability, position and influence are able to suggest many problems and remedies in the administration of the country, which are necessary and useful to the masses of His Majesty's subjects in India. These men ought not to be looked upon merely as pleaders but as men having also permanent and abiding interests in the wellbeing of their country and viewed in this light the objection vanishes; and it should be the guiding policy of the benign British Government to take them into confidence and graft them into the Local self-Government of the country and thus utilise their capacity, intelligence and influence for good instead of excluding them from the administration without utilising their ability, etc., thereby driving them to discontent and helplessness.

Enclosure No. 3.

Letter—from the Rev. G. H. Macfarlane.
To—the Collector of Cuddapah.
Dated—the 1st January 1908.

I am a missionary who has spent 26 years in India in the Vizagapatam and Cuddapah districts. I have been a member of the District Board, Cuddapah, for 14 years, except for brief intervals, and in 1896–97, member of the Famine Executive Committee.

I have been asked to give an expression of opinion on the matter of Advisory Councils and Enlargement of Legislative Councils, and try to submit the following remarks:—

Whilst reserving some seats on the Provincial Legislative Council for members selected by His Excellency the Governor, the Chamber of Commerce, the Senate of the University, etc., I do not approve of the bulk of the members being elected by special castes and classes of people. This would be to perpetuate distinctions which have already been much broken down, which are in the course of further dissolution, which all reformers agree should be as far as possible, obliterated and which should receive little or no recognition by those in authority.

I do not see why members should not be representatives of territorial districts. Let the best men be chosen by the electors in common, whoever he may be. There is as much probability, as by any other method that territorially arranged electors will make a fitting choice. The inhabitants of this district at any rate know how to judge of a man by what he is himself and not only by his caste or social position. There is growing amongst responsible people a disposition to accept a man as representative of them irrespective of his caste.

As regards the qualifications of electors, I think they should not be so high as to require payment of incometax on Rs. 5,000. I would believe the limit at Rs. 2,000, if not even at Rs. 1,000, and land-tax in proportion. This would increase the number of electors, but I believe that in the multitude of electors would be safety. An elector with a salary of even only Rupees 1,000 is in a comparatively good position and is usually a man who takes an interest in public matters. He has a sufficient stake in the country to make him anxious for its good Government and would be anxious to obtain a worthy representative.

ENCLOSURE No. 4.

Letter—from M.R.Ry. N. VENKATARAMANA RAO Garu, B.A., and M.R.Ry. R. VENKATASWAMI NAYUDU Garu, Pleaders and Landholders, Madanapalle.
To—the Collector of Cuddapah.
Dated—the 29th December 1907.

Thanking you for your kindness in inviting our opinion on the question of Advisory Councils and enlargement of Legislative Councils referred to in G.O., No. 886, dated 22nd November 1907, we request to submit the following opinion of ours.

1. *Advisory Councils.*—Though the Government of India is moved by the best of intentions in trying to associate itself with non-officials in discharging official functions, which is a very necessary thing, we regret to find that Advisory Councils, if constituted on the lines suggested, would be of no real use to the public and therefore it is better not to have any such Councils at all.

2. We would suggest that a majority of the members of Advisory Councils should be elected by the public whose interests they are supposed to safeguard. Their opinions must have some recognition subject to the vetoing power vested in the head of Government. No one of any self respect and worth would come forward to be on the Councils if he knows that his opinion will go for nothing, nor can such a member command much respect and confidence among his fellow subjects for the simple reason that his opinions are merely nominal.

3. Further it is highly desirable in our opinion (*a*) that our Advisory Councils should have a legal status to make their opinions valid, (*b*) that such opinions should be open to the public in order that people may know what goes on about them and at the same time to see that members do not put forward opinions which are not consistent with the public view, (*c*) that opinions given in private are purely personal and not in public interest, (*d*) that if the Government is not inclined to allow access to the public to know the opinion of members, the public may be permitted to have recourse to election of members in its entirety so that it may infuse confidence in them.

4. We would like to suggest that educational qualifications may be deemed as one of the guiding principles for election of members and that caste distinction in the selection of members is quite out of place and that such a principle instead of doing good will, in our opinion, end in evil and bring about disharmony.

5. *Enlargement of Legislative Councils.*—We fail to observe in the proposed enlargement any improvement in the existing Councils; for, paragraph 10 of the Government Order is not compatible with its heading "Enlargement of the Councils" as enlargement does not mean increase of seats in the Legislative Councils but means proper distribution of official and non-official element in right proportion into the Council without damaging the existing proportion. We would put the change more as a reduction of the Legislative Councils than enlargement if in the new scheme there should be predominance of official members in greater proportion than what it is now.

6. For the first time we see caste distinctions being introduced into the scheme. As pointed out already in paragraph 4 *supra* the introduction of such distinctions will lead to evils and mischievous tendencies. There cannot be anything like caste representation in Councils of the kind. All that is required is good intellect coupled with some considerable experience and decent capabilities to represent matters of public importance. No questions relating to caste crop up in Legislative Councils as all matters discussed are purely political.

7. The District Boards and Municipalities in the Presidency are allowed the choice of electing only four members. This power is quite narrow in its limits and we are of opinion that the said Corporations should be empowered to elect more members so that the large area may stand well represented.

8. The members for the District and Taluk Boards should as a matter of necessity be elected by the public. It is only such members that can exercise an independent and uncurbed discretion and will in Local Fund matters and in the election of members to the Legislative Council. If the selection were by nomination such members have to necessarily and naturally court the favour of the presiding officers and please them by suiting their fancies whether they be logical or otherwise.

9. It is embodied in paragraph 12-D (*d*) that two members are to be elected by Muhammadans and in 12-E not less than two Muhammadans are to be nominated by the Viceroy out of four. In the Empire all are governed under the same principles and no separate sect has got any separate interest. As the interest of all, whether they be Muhammadans or any other sectarians, being the same it is but reasonable to think that any peculiar attachment or preference shown to any particular sect will not be welcome in the interests of peaceful administration. The Viceroy has not got even for good reasons power to reject two Muhammadans out of four embodied in 12-E. On the other hand if the Viceroy chooses all the four members may be nominated from among the Muhammadans themselves, the wording being "not less than two Muhammadans". This does not appear to be in consonance with good reasoning.

10. There was never an occasion for dissatisfaction for the absence of expert members on Councils. It is nowhere stated in the Government Order nor are there any statistics to show that the absence of expert members was viewed with disappointment. Their advice or opinion will be of avail only on special occasions which are very rare. Such being the case we would propose that the services of such experts be employed in the Advisory Councils and not in Legislative Councils.

11. Ruling Chiefs are as a matter of fact under the influence of official favour and their independence is always minimised to a great extent and therefore in the exercise of free discretion they are in no way better than officials. Again the idea of nomination speaks for itself and we can easily foresee how far the chiefs so nominated can be useful to the public. With due deference to the class of chiefs many of the ruling chiefs are, in our opinion, such whose intellectual powers are never brought into play to demonstrate that they are capable to hold any responsible position. A ruling chief for a better administration of his province depends upon an intelligent minister, himself keeping aloof from the burden of rule and therefore it is undesirable to tax them with work by nominating them into the Council. If the Government be particular to have a ruling chief on the Council they may do so by accepting one elected by the public including the ruling chiefs.

12. With reference to paragraph 15 of the Government Order we are of opinion that when a particular class is allowed the privilege of electing a member the restriction put upon it that one should be elected from that class does not appear to be based on a sound principle, but it may be modified to the extent that one may be elected from public in general.

13. The legal profession attained predominance in the Legislative Councils not because that it has got any peculiar advantage attending it but that probably equally worthy men among any other class cannot be had. A slight consideration may convince us that this is so because on no occasion there was a complaint that equally worthy men were available and they were lost sight of. The mere setting apart of seats in the Council to represent various classes will not better the condition unless steps are taken to train up members of a particular class to produce competent men.

14. In conclusion, we thank the Government for the noble object with which they have started this grand scheme for bettering the welfare of the subjects committed to their care.

ENCLOSURE No. 5.

Letter—from M.R.Ry. T. VASUDEVA RAO Garu, B.A., Tahsildar of Vayalpad.
To—the Collector of Cuddapah.
Dated—the 26th December 1907.

With reference to Ref. on Cur No. 1453/B & G of 1907, dated 5th December 1907, I beg to report my views on the formation of Advisory Councils and enlargement of Legislative Councils.

2. *Imperial Advisory Council.*—In paragraph 5 of the Government of India's letter it is proposed to appoint, besides ruling chiefs, landholders of sufficient dignity and status. As broad questions of general importance are likely to come up before the Council, property qualification alone need not be looked for. To handle such questions, great intellectual attainments and wide-worldly experience will be required. Therefore, I think men of acknowledged abilities, whether officials or non-officials, should be selected as Imperial Councillors.

3. *Provincial Advisory Council.*—This is to consist of 20 or 25 members, not more than the number on the Legislative Council, nor more representative in character. I do not think that an Advisory Council of the sort is at all necessary apart from the members of the Legislative Council, who may be sought for advice on other than Legislature, if such a necessity arises, and I daresay they will not grudge giving it.

4. *Government of India Legislative Council.*—For the nomination to be made by the nobles and landholders, it will be difficult to form an electorate of men scattered all over the provinces, as stated in paragraph 15. It seems to me to be unnecessary to rule that the electors themselves should possess the necessary property qualification. It is enough to prescribe the minimum land revenue qualification for nominees alone. A list of persons paying land revenue of Rs. 10,000 or any other amount which may be fixed by the Government of India may be drawn up, and the electors required to nominate one of that number. Such associations as the Madras Landholders' Association, and all District Agricultural Associations may be required to elect a person and the Government may recommend the nobleman who obtains the largest number of votes.

5. As regards nomination by Muhammadans it is difficult to determine what the electorate should consist of. If one is formed as suggested in paragraph 18, it will be subject to the objection referred to in paragraph 15, that the constitution will be wanting in solidarity. I think that in this case nomination by Government will be best.

6. *Provincial Legislative Council.*—I think it is not necessary to expand the Legislative Council by the introduction of so many representatives. The present constitution meets all requirements, I fail to see what the present non-official members have failed to achieve, the future heterogeneous mass of representatives will achieve. The increase in the number of members will tend to the introduction of second-rate men in the Council which will lower the dignity of the august assembly. Further, it is inadvisable to introduce caste distinctions in the Council, for it is against the avowed principle of Government, namely, not to respect caste, colour, or creed. There is no objection to members representing the learned professions, but I think it is highly undesirable to have caste representatives, for caste distinctions should be ignored altogether in the constitution of the highest and noblest assembly of the province. Again, it is impracticable to select a fair representative of such a wide populace as Brahmans or Muhammadans. For instance, among Brahmans there are many sub-sects, each of which could claim many learned and influential members. It is almost impossible that they should combine and select a single representative, and the sub-sect which has the largest number of voters is sure to elect its own nominee every time. Further, the most enlightened politician among the Brahmans may be the most unbrahmanical in habits, and the holiest of Brahmans will be out of his elements in the Council Chamber. The former cannot claim the confidence of the community, while the latter can serve no useful purpose. This may hold good with other communities as well. Hence a member of these castes cannot represent truly the interests of that caste, for it is by mere chance that one is born of a particular caste, and though by reason of belonging to that caste he may, in all earnestness, seek election to the Council, he cannot be considered to be a true representative of that caste. It will be more satisfactory to have representatives of professions, which alone originally made distinctions of caste. The Legislative Council is a political organisation, and not a social conference, or a parliament of religions, and I therefore think that the members should be territorial or professional representatives, having at heart the interests of the country as a whole, rather than representatives of castes, which are the splitting spikes of Indian society.

7. The qualifications for a voter in classes *g*, *h*, *i* and *j* is pitched far too high. At this rate the number of voters will be very small as compared with the population whose interest the nominee is supposed to safeguard. It may be decreased to Rs. 2,000 if the classes are to be maintained at all.

8. Among the rules to be framed for election, I would suggest the prohibition of canvassing for votes. There is no objection to candidates blowing their horns or beating their own trumpets in the public press, but they should be prohibited from addressing private communications to, or interviewing individual voters, or bringing underhand influences to bear upon them. At present a candidate for the Legislative Council sometimes goes about from place to place canvassing votes, and also sends out his parasites to sing his praise and secure the votes of not-English-knowing members of District Boards and Municipalities. By these means he frequently succeeds in elbowing out a more deserving rival whose conscience does not allow him to stoop to the same level. This, I think, should be strictly prohibited.

ENCLOSURE No. 6.

Letter—from M.R.Ry. H. SESHAGIRI RAO Garu, Acting Tahsildar of Jammalamadugu taluk.
To—the Collector of Cuddapah.
Dated—the 3rd January 1908.
No.—Dis. 12/D.R.

In reply to your Ref. on Cur. No. 1453/B. & G., dated 5th December 1907, regarding the Imperial and Provincial Advisory Councils, I beg to offer my views on the subject.

2. I am not in favour of having separate body of advisers apart from the members of the Legislative Councils. The present members of the Imperial Legislative Council may constitute the Imperial Advisory Council and the members of the Provincial Legislative Council may

constitute the Provincial Advisory Council. Their functions may be purely advisory as contemplated in the referendum. The Collector may have a District Advisory Council in the District Board members and the Municipal councillors.

3. The members for the Imperial and the Provincial Legislative Councils may continue to be elected as hitherto and no change is called for. The past experience has shown that the choice has not fallen on an undeserving person till now. The people of the country know who will represent their interests best in the Council and they naturally select the best man. The present constitution of Municipal and the District Boards cannot be deprecated as favouring one particular section or class or as possessing no property qualification whatever. Generally they are men of character and possess some property. There are councillors and members representing various classes and castes. There are Brahmans, Sudras, Muhammadans and Christians to represent several castes, and there are officials, landholders, lawyers, educational officers and traders to represent the several professions Probably the artizan class is not represented so far as this district is concerned. When men from this class can be got, they will also be represented. I would prescribe no limitations on the existing methods of electing and nominating members to the Municipal Councils and the District Boards.

4. If the electorates should, on the other hand, be formed on a separate basis contemplated in the referendum, I am of opinion that the property qualification fixed for electing a candidate for the Imperial Legislative is very high and it is not possible to form an electorate composing such members so far as the poor districts like the Ceded districts are concerned. Where the property qualification is forthcoming the literate qualification will be wanting and *vice versâ*. It is not easy to find persons having both the property and the literate qualifications. It seems undesirable to fix any such high qualifications. All persons paying an income-tax of Rs. 20 and landholders paying an assessment of Rs. 100 and all graduates of five years' experience in any department they may be serving and all first-grade pleaders must be eligible for voting, though with regard to persons elected the literate qualifications of being a graduate may be insisted on. No choice of election should be given exclusively to particular castes such as Brahmans, Muhammadans, Christians and other persons. This system of giving choice to particular castes would be inimical to the real interests of the country.

5. All questions concerning famine relief, education, irrigation, plague, criminal administration, forest administration, abkári administration, religious processions, remissions, revision of settlement and all questions affecting any particular community may be referred to the Advisory Councils.

ENCLOSURE No. 7.

Letter—from M.R.Ry. H. S. A. M. MUNJUN MIAH.
To—the Collector of Cuddapah.

It is my humble opinion and request that the prayers of the large and representative deputation in the address presented to His Excellency the Viceroy on behalf of the Muhammadan community on the 1st October 1906 may be complied with. As other communities largely predominate in almost all the electorates with the result that few Muhammadan members have been elected, some special concession and relaxation of rules for election may be granted to the Muhammadan community and more specially in backward districts. As regards property qualification of Muhammadan non-official members, the rule may be so relaxed as to admit of respectable Muhammadans who are generally poor in the backward districts.

Imperial Advisory Council.
Provincial Legislative Council.
Provincial Advisory Council.

Collectors of districts may be authorized to nominate members who are not Government servants taking into consideration the population of the district and the different class of people which it comprises.

ENCLOSURE No. 8.

Office-note—from the District Forest Officer, Cuddapah.
To—the Collector of Cuddapah.
Dated—the 31st December 1907.
No.—Dis. 3 of 1908.

With reference to your Endorsement No. 1453/B. & G., dated 5th December 1907, communicating G.O., No. 886, dated 22nd November 1907, for an expression of my opinion on the proposed formation of Advisory Councils and the enlargement of the existing Legislative Councils, I beg to submit as follows.

The object of the proposed *Imperial Advisory Council* being to associate in some degree the *ruling chiefs* and the *territorial magnates* of British India with the Governor-General in the guardianship of "*Common* and *Imperial interests*," it has to be seen whether a Council so constituted will help the realisation of the object aimed at. The advice of the *ruling chiefs* might be of great help in guarding *Imperial interests*, but I submit a majority of the chiefs cannot be expected to make good advisers in respect of "*Common interests*". My reasons are as follow :—

(1) The ruling chiefs with a few exceptions have too little knowledge of the intricate problems pertaining to the administration of British India to be able to offer useful advice.

(2) Aristocratic as their ideas and tendencies generally are, they will naturally resent being associated with the *territorial magnates* of British India who are decidedly their inferiors in social and political status and some of whom, it may also happen, were their quandom servants, *e.g.*, their ex-diwans and prime ministers, etc.

(3) Their ignorance of the conditions of life in British India coupled with their aristocratic views disqualifies them for constituting the agency for the diffusion of correct information upon the acts, intentions and objects of Government.

2. As regards *territorial magnates* their advice would no doubt be of some help, but I submit that the property qualification ought not to be the principle guiding their choice. The councillors must be persons who have received a sound English education and who are looked upon as leaders of the people. A Council of landlords and commercial classes alone is not likely to safeguard the "Common interests".

3. As regards the constitution of the *Imperial Advisory Council*, half the number may be nominated by the Governor-General and the rest elected by the Provincial Advisory Councils. The whole Council may meet at stated intervals and may be consulted *in whole*, as *individual consultation* or consultation *in part* is likely to result in the non-consulted members growing discontented and playing into the hands of agitators. The proceedings of the Council may be confidential, but it will greatly conduce to contentment if the co-operation and consent of the Council is secured in all matters of popular interest.

4. The above principles may, in my humble opinion, be applied in the formation of *Provincial Advisory Councils*.

5. *Imperial Legislative Council.*—The property qualification for the electors referred to in paragraph 14 of the Government of India letter may not be more than Rs. 2,000 a year and all graduates belonging to this class may have a right to vote.

6. *Provincial Legislative Council.*—In the formation of the Provincial Legislative Councils there seems to be no necessity to form an electorate based on the distinction of caste or creed at least so far as all the communities except the Muhammadan community is concerned. I, as a Muhammadan, may be suspected of partiality to my community, but it is quite clear that owing to a variety of causes Muhammadans at least in this Presidency have not come under the influence of western culture and civilization to the same extent as other communities and that their interests therefore need special and careful looking after. As Muhammadans are distributed over the whole Presidency, and as their manners and customs and stages of development vary in several localities, and as it cannot be humanly possible for one representative to study the needs of every section of their community, however capable he may be, and thus serve the interests of the whole community effectively on the Council, I venture to submit that at least three (3) seats or one-sixth of the total number of seats may be set apart for Muhammadans on the Council—one for the Circars and the Ceded districts, one for the central districts and one for the southern districts—so that the representatives may work on the principle of division of labour and effectively safeguard the interests of the community. The representatives, whether nominated or elected, must be English-knowing men capable of adequately serving the interests of the community in the Council. These additional seats may be secured by making one of His Excellency the Governor's nominees a Muhammadan and by reducing the number of seats referred to in (*j*) from 6 to 5 and raising the number in (*h*) from 1 to 2.

7. As regards the seats referred to in (*d*), (*g*), (*i*) and (*j*), the Presidency may be divided into four territorial units. Each unit may be given to two members—one representing the Municipalities and the other District Boards. As regards qualification to vote, I think that all persons who are now eligible to elect members to Municipal Councils and Local Boards and all registered graduates of not less than ten years' standing may be eligible to vote. As regards class (*e*), I beg to submit that all persons paying a peshkash or land revenue to Government amounting to Rs. 5,000 *per annum* and who have received a sound English education may be eligible for a seat on the Council.

ENCLOSURE No. 9.

Letter—from M.R.Ry. V. RAMASWAMI AIYAR Avargal, M.A., Deputy Collector in charge of the Treasury, Cuddapah.
To—the Collector of Cuddapah.
Dated—the 9th January 1908.

With reference to your R.C. No. 1453 B. & G., dated 5th December 1907, I have the honour to submit a few remarks:—

(i) I am unable to form an idea of the working of the Advisory Councils, Imperial and Provincial, contemplated by the Government of India.

(ii) The constitution of a Muhammadan electorate with members earmarked for them does not appear advisable. The differential treatment will tend to accentuate differences which are happily tending to wear out at present and may be eventually prejudicial to the smooth working of the empire.

(iii) It seems to me the suggested lines may be advantageously modified as follows; that is to say, (*g*) and (*j*) may be lumped together and seven seats allotted to selection by all the voters, one for each electoral area, the Presidency being divided into seven electoral areas for this purpose.

ENCLOSURE No. 10.

Letter—from M.R.Ry. P. DURAISWAMI MUDALIYAR Avargal, Pleader, Union Chairman, Taluk and District Board Member, Jammalamadugu.
To—the Collector of Cuddapah.
Dated—the 29th December 1907.

With reference to your letter No. Ref. C. 1453-B.R., dated 5th December 1907, asking for an expression of opinion in the matter of the Madras referendum, I beg to submit the following few remarks.

The establishment of Advisory Councils, both Imperial and Provincial, is highly desirable as it would be a valuable help both to the Government and the people in matters connected with measures which will eventually take a legislative shape and other important administrative measures connected with revenue settlement, irrigation, famine, plague, etc.

I am of opinion that District Advisory Councils also may be established as they may be usefully consulted on matters connected with income-tax, forest, irrigation, famine, etc.

2. As regards the constitution of Imperial Advisory Councils, I beg to suggest that in addition to the members nominated by His Excellency the Viceroy, a fair proportion of the members be elected by the different Provincial Advisory Councils.

3. The Provincial Advisory Councils may consist of 20 members, of whom 10 may be nominated by His Excellency the Governor and the others to be selected on the following lines:—

(*a*) Selected by Madras Chamber of Commerce	1
(*b*) Selected by the Senate of the University	1
(*c*) Selected by the Madras Municipal Corporation	1
(*d*) The Central Agricultural Committee, Madras (as it represents, as it were, the various agricultural associations in the Presidency)	1
(*e*) The South Indian Planters' Association	1
(*f*) The zamindars and proprietors of permanently-settled estates	1
(*g*) Northern group of District Boards	1
(*h*) Northern group of Municipalities	1
(*i*) Southern group of District Boards	1
(*j*) Southern group of Municipalities	1

4. The District Advisory Councils may consist of six members, three of whom to be nominated by the Collector and the other three to be selected by the Local Boards and Municipalities in the district or to start with all the members may be nominated by the Collector.

5. Regarding the constitution of the Imperial Legislative Council, I have nothing to say on the proposals of the Government of India in paragraphs 12 to 14 of their letter, as the scheme is, in my humble opinion, an excellent one.

6. Regarding the constitution of the Provincial Legislative Council, I beg to be allowed to say that the system of class and caste representation is highly prejudicial to the best interests of the country as it would tend to accentuate and perpetuate ill-feelings, prejudices, and differences and stand in the way of social and political progress. The Government may lay itself open to the charge of maintaining caste while the well-wishers of the country are trying to cast it off.

7. In paragraph 21 of their letter: "The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years". The proposed Madras scheme completely overlooks the above announcement and ignores altogether the present electorates, *i.e.*, Municipalities and District Boards.

8. I beg to suggest that any reform on the lines suggested must begin from below, *i.e.*, Municipalities, Taluk Boards and District Boards, but suggestions have evidently not been invited at present on this matter.

9. So far as I am aware, Municipal councillors, and members of Taluk and District Boards in this Presidency are generally men of decent property qualifications, and the experience of the past fourteen years shows that all the gentlemen who have been returned to the Provincial Legislative Council till now are without exception men of very high property qualifications. Thus, so far as this Presidency is concerned, there is no need for fixing any property qualifications; as a matter of fact, before any one is nominated or elected to the local boards careful enquiries as to his status and property qualifications are made beforehand. If need be, property qualifications may be fixed for members of Municipalities and Local Boards and these electorates as they exist at present need not be thrown overboard. At any rate, the proposed property qualification is very high and must be lowered.

10. I am of opinion the electorate in each case ought to be literate.

11. The number of non-officials may be 17 as proposed, but I beg to suggest that they be appointed on the following lines:—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the Municipal Corporation, Madras	1
(*e*) Selected by *three groups* of Northern District Boards	3
(*f*) Selected by *three groups* of Northern group Municipalities	3
(*g*) Selected by *three groups* of Southern District Boards	3
(*h*) Selected by *three groups* of Southern group of Municipalities ..	3

I may add that the electorates ought to be left free to choose those whom they think best qualified to plead their cause.

ENCLOSURE No. 11.

Letter—from M.R.Ry. T. VIJAYARAGHAVA CHARIYAR Avargal, M.A., Deputy Collector, Jammalamadugu Division.
To—the Collector of Cuddapah.
Dated—the 26th February 1908.

I have the honour to submit the report called for in your R.C. No. 1453/B & G., dated 5th December 1907, on the formation of Advisory Councils and the enlargement of Legislative Councils.

2. *Advisory Councils—Constitution—(a) Imperial.*—The question as to whether it is desirable to constitute such Councils at all is beyond the scope of the reference, so I proceed to state my views as to their constitution and as to the work which may be devolved upon them. The total number may be fixed at 60 as proposed by the Government of India. Of these 20 seats are allotted to ruling chiefs. The question is how to fill up the remaining 40 seats. I would allot 20 seats to territorial magnates by which term I presume zamindars of the first magnitude are meant. The remaining 20 seats should, in my opinion, be filled up by members of the middle and professional classes. Retired Indian officials who had attained high rank, say that of a Judge of the High Court, or Commissioner of a division, or a Member of Board of Revenue, will form a suitable type of the last class. And amongst non-officials, gentlemen who have served as members of the Viceregal Legislative Council, or as Diwans of a first-class Native State, or as Presidents of the Indian National Congress or the Indian Muhammadan Conferences will also be found to be fit members of the proposed body. A third set of representatives of the middle classes can be sought for in the merchants and vakils paying over Rs. 500 income-tax, editors of Indian journals of recognised influence and repute, and in the more enlightened heads of the leading religious institutions such as mutts. In all the discussions of the scheme that I have read, I have nowhere seen a proposal to get the opinions of these religious leaders. These however have great influence and in many cases are very shrewd, intelligent gentlemen who, I am certain, will form valuable advisers to the Government. They may not often attend meetings, but they can always be consulted through the post, and consultation through the post is one of the declared methods of eliciting the opinions of these Advisory Councils.

(*b*) *Provincial.*—I think the council may consist of 25 members. Five of these will be filled up *ex-officio* by the Madras members of the Imperial Advisory Council (I assume that of the 60 members of the Imperial Council Madras may get about 5). We have then to fill up 20 seats. Five seats I would allot to the zamindars of the second magnitude. Thirteen seats should be given to representatives of the middle and professional classes. These may be recruited from retired Indian officers, Diwans of minor states ; merchants and vakils paying over Rs. 200 income-tax : editors of newspapers and ex-members of the Legislative Councils. Two seats may be reserved for the non-official European community.

3. *Working of Advisory Councils.*—I consider secrecy of proceeding will defeat the very object for which these councils are constituted. The object is expressly declared to be to make the measures and motives of Government generally understood and to correct erroneous and mischievous statements imputed to Government. This certainly is a consummation devoutly to be wished for, but it can hardly be attained by a secrecy of proceeding which will certainly attract the very suspicions it is intended to dispel. Secrecy is the bane of weak and tyrannical Governments but surely a strong and just Government like ours need not fear the fierce light of publicity. I therefore consider that the press and the public should have access to meetings of these councils subject to the proviso that a majority of the council shall have the right to exclude them at any particular stage. As regards the matters to be committed to Advisory Councils, I consider that all Bills of public importance should be referred to them for opinion before being introduced into the Legislative Councils, an exception being, of course, made in favour of measures of special emergency. But in India administration bulks larger than legislations. It is necessary, therefore, remembering that our object is " to diffuse correct information as to the acts, intentions and objects of Government ", to submit even administrative measures of public importance to those councils before promulgating them. For instance, the plague policy of the Imperial or of a Local Government, the partition of a province or of a district, the land revenue settlement or resettlement of a district, the organisation or reorganisation of a branch of the public service, the declaration and administration of famine-relief are questions which an Advisory Council, Imperial or Provincial, should discuss before the Government. Imperial or Local proceeds to take action. As pointed out by the Government of India the oriental sovereign however much of a despot in theory in practice always consulted his advisers, the notables and the elders, before he took action of any movement, and his action, I may add, was generally in conformity to the wishes of his advisers. *Vox populi vox dei*, may be an invention of the nineteenth century, and of western Europe, but the will of the majority has always prevailed in the east as well as in the west, whether the assertion of that will took the form of a vote in a parliament or of counsellors humbly and dutifully advising a theoretically despotic sovereign.

4. *Imperial Legislative Council.*—Fifty-four may well be the strength of the council. The Viceroy, the Lieutenant-Governor of Bengal, and the members of the Executive Council take up 9 seats. There thus remain 45 seats to be distributed. The Government of India propose that 20 seats should be reserved for nominated officials expressly on the ground that there should be an official majority. I do not consider that an official majority is requisite in the interests of public safety, as that is sufficiently secured by His Excellency the Viceroy's power of veto and his power to pass ordinances. It will be a great concession to public opinion, and a measure of the highest policy so to constitute the councils as to have a slight non-official majority. While conceding the show of power, we will have not parted with the substance of it, and we shall have taken a long step forward in the direction of conciliating non-official opinion : for after all, in politics as in other departments of life, it is the appearance that impresses rather than the reality. I would therefore propose that the number of additional nominated officials be restricted to 15. This leaves 30 seats to be filled up. These I should constitute as follows :—

By nomination.

A ruling chief to be nominated	1
Experts to be nominated	2
Minority seats to be nominated (excluding Muhammadans)	2

By election.

To be elected by the non-official members of the Provincial Councils at 2 each	14
To be elected by the leading Muhammadan associations	4
To be elected by the landholders' associations	4
To be elected by the Chambers of Commerce, Calcutta, Bombay and Madras	3

I should not fix any property or other qualifications either for elected or nominated members.

Provincial Legislative Council.—It seems to me that the scheme of class and caste representation suggested for the Madras Council is unworkable and should be totally abandoned. Further, it is opposed to the best traditions of our administration the aim of which has been steadily to discourage the fostering of class feeling substituting in its place a feeling of unity and harmony. Whatever may be the case in other provinces, in Madras neither the Brahman,

nor the Christian nor even yet the Muhammadan has made a demand for separate representation. A steady application of the doctrine of equal and impartial treatment of all castes and races is bound very soon to have the happy effect of producing a national feeling of solidarity in place of the sectarian prejudices that are losing their hold on the population. The day is happily long past when either the Code of Manu or the Koran was the rule of Government, and though we may not live in the republic of Plato, we are in a country governed by the English law. Nothing fosters caste prejudice in this country so much as official recognition or encouragement, and it will be a curious anomaly indeed if the introduction of Christianity into this country was only to add one more caste to the long list of castes that have been the misfortune of India. After all, it must be remembered that the principle of equal treatment is not a British innovation, that in enforcing that doctrine we only follow in the footsteps of the greatest of Indian Kings, Asoka and Akbar, and that the decline of the Moghal Empire dated from the day Aurangazebe reversed that principle. Acting therefore on the well-established principles of our administration which are in accordance with those of the best oriental sovereigns, I consider that the present scheme should be given up. I would adhere to the present system of representation of public bodies and interests. Assuming that the council consists of 45 members, I should give 20 seats to officials, and distribute the remaining 25 non-official seats as follows :—

To be nominated to represent minorities or special interests (including Muhammadans)	4
To be elected by Madras Chamber of Commerce	1
Do. do. Madras University	1
Do. do. Madras Municipality	2
Do. do. Madras Landholders' Association	2
Do. do. Various Planters' Associations	1
Do. do. Non-official members of the Municipal Councils, District and Taluk Boards and Union Panchayats	14

For the purpose of forming electoral constituencies to elect the last-mentioned 14 members I would propose that the whole Presidency be divided into seven groups of districts, and that in each group the electoral body do consist of non-official members of the Municipal Councils, the District and Taluk Boards and the Union Panchayats, the members of all these bodies being lumped together into one body for elective purposes. The seven groups of districts can easily be formed on principles of geographical contiguity and the number of seats to be assigned to each group may be determined on considerations of size, wealth and importance. I do not consider it necessary to fill in the outlines of this scheme, as any number of ways of doing it suggest themselves on a moment's reflection. This method of representation is free from the fatal objection of perpetuating class and caste distinctions and has the great merit of continuing the present system that has worked successfully for the last sixteen years. Continuity in the methods of administration should not be sacrificed in the absence of special necessity while continuity in the vital fundamental principles of administration should not be sacrificed at all.

ENCLOSURE No. 12.

Letter—from M.R.Ry. J. NARAYANA REDDI Garu, B.A., Acting Deputy Collector of Cuddapah.
To—the Collector of Cuddapah.
Dated—the 20th February 1908.
No.—Dis. 175-D./Rev.

With reference to your foot-note Ref. No. 1453/B. & G., dated 5th November 1907, on G.O., No. 886, dated 22nd November 1907, inviting my opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I have the honour to submit the following remarks.

Advisory Councils.—The advisers are not given any legistalive recognition, and possess in themselves no formal powers of initative. They would be consulted individually by the Government and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people. The functions of the council are purely advisory, and it should deal only with such matters as might be specifically referred to it from time to time. The proceedings of the council when called together for collective consultation will, as a rule, be private, informal, and confidential, and they would not be published although Government would be at liberty to make any use of them that it thought proper. The Imperial Advisory Council will consist of the ruling chiefs and the territorial magnates; while the Provincial Councils would be of smaller size than the Imperial Council; but their membership should be large enough to embrace all interests of sufficient importance to claim representation on such a body. The smaller landholders, industry, commerce, capital and professional classes will be included in the Council. It is expected that these councils are likely to be a valuable means of eliciting opinion on measures, which the Government have in contemplation, as well as of

diffusing correct information as to the acts, intentions and objects of Government. Thus, will be seen that these councils are without any regular constitution, without any statutory recognition. No responsibility is to be attached to the councillors either individually or collectively. The fact that the Government is not bound to follow the advice or to give any weight to it takes away from the advisers all sense of responsibility without which no advice can be expected to be sound. The fact that the deliberations of these councils are to be conducted *in camera* is another circumstance, which would detract from their usefulness. For the advice to be of any value, it should be responsible, well informed, and independent. I would suggest that the duties and rights of these advisers should be strictly defined, and their meetings should be held publicly except where reasons of State require that the proceedings should be kept confidential. It is very necessary that these councillors should realize that they have got a solemn duty to discharge, and unless they do so, I am afraid they may become a set of irresponsible men whose advice it is not worth while for the Government to have. I would even suggest that for the present, only the Imperial Advisory Council may be established, and that the formation of the Provincial Advisory Councils may be postponed till the Government have had time to watch the working of the proposed Imperial Council and to see how far the expectations formed of it are realized.

Enlargement of the Legislative Councils.—I may at once state that it is of the utmost importance that in these councils the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. The Indian Councils Act was passed in 1892 and the Councils were enlarged. The elective principle was introduced, and it was also recognized that territorial representation was unsuited to India. But an endeavour was made to constitute the electorates so that all the more important classes and interests should, as far as possible, be represented. The Government of India say that, in the case of Provincial Councils, it is admitted that the results have not justified the expectations formed. It is said that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. The general principle to be borne in mind is that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained; in short, the principle of class representation has been proposed to be adopted. The property qualification is made the chief qualification for voting, and no literate qualifications are proposed. I have nothing to say against the property qualification, though I may add that it should not be unduly high. I consider that there should be literate qualifications also. Graduates in Arts and Law of five years' standing may have a vote; Masters of Arts and Laws, of three years' standing also may have it. If the property qualifications are high, it is likely that mercantile and commercial interests would be largely represented, while the great body of ryotwari, inam landholders and zamindari tenants, who form the bulk of the population, would be excluded from the voting lists. In this connection, I may be permitted to remark that there seems to be some inequity in demanding a tax-paying qualification of Rs. 5,000 in the case of proprietors and of Rs. 2,000 in the case of pattadars and inamdars to place them on a par with income-tax payers on Rs. 5,000. For, in the latter case, the voters have only to pay Rs. 130 or so to the Government on an income of Rs. 5,000. It is not clear why the income-tax is placed on a better footing than the land-tax.

The Government of India are not prepared to allow the lawyers and schoolmasters, a virtual monopoly of the power exercised by the councils, and they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to their excessive influence, by creating an additional electorate recruited from the landed and monied classes. It is also said that the various classes, castes and creeds have not had due representation. In paragraph 2 of Government of India's letter, it is urged—I consider very justly—that the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life and are qualified to speak with authority on their behalf. I am a landholder myself, but I must admit that it is generally the lawyers that move with the people and have special opportunities to understand their needs and difficulties. They can lay the wishes of the people before the authorities with independence and they have the aptitude to do so. There is also the fact that a large number of the lawyers are landholders also. As regards schoolmasters, I do not think the teachers have had any predominant share in the Legislative Councils. It is very essential that those who represent various interests must be able to represent them independently and fearlessly; and among the educated Indians of the present day, I consider it is only the lawyers and teachers that can afford to do so.

Next, as to the principle of class representation, there is something to be said for both sides. There are persons who say that it would revive the bitter memories of caste and creed, that it is a serious check on national unity and that it would retard progress in the direction of nationalism. The caste system is a great influencing factor in the life of the Indian nation and so long as we retain it, I doubt if anybody has any right to complain of its recognition by the Government. At the same time, I am not personally in favour of the proposed class representation, because I am certain it would accentuate the differences which already exist among different classes and creeds instead of reducing and gradually extinguishing them. I consider that territorial representation may continue, and so far it has worked fairly well.

Discussion of the Budget in the Legislative Council.—This is not one of the subjects mentioned in the memorandum of the Government of Madras, and I consider I need not offer any remarks upon it.

Election of Members of Local Boards.—The Government itself says that this question may, perhaps, better be considered, after the proposals regarding the electorate formed for selecting members of the Legislative Council have been discussed. In determining the qualifications of an electorate for the election of members to District and Taluk Boards, it is absolutely necessary that the property qualifications should be allowed and that provision should be made for literate as well as property qualifications.

XV

Letter—from Khan Bahadur Muhammad Khadir Navaz Khan Sahib Bahadur, Collector of Kurnool.
To—the Chief Secretary to Government.
Dated—the 29th February 1908.
No.—X/Ver.

I have the honour to submit my report with reference to G.O., No. 886, Public, dated 22nd November 1907. I have obtained the reports of my Divisional Officers and Tahsildars on the subjects referred to in the Government Order. I referred the matter to four non-official gentlemen of different interests and communities for their opinion and suggestions. One of them has sent in a very brief report in favour of the suggestions contained in the Government Order. The three others have not yet sent in their reports in spite of reminders.

2. *Imperial and Provincial Advisory Councils.*—I feel bound to state with all deference to the paternity of the proposal that the creation of bodies of advisers with no legal recognition and no formal powers of initiative will neither supply a want nor satisfy the aspirations of the people and is attended, moreover, with the risk of their proving a hindrance instead of valuable aid to administration. Speaking from an official experience of 31 years, I am apprehensive that these bodies might develop in objectionable directions. Difficulties may also arise when some members are consulted and others not and when their opinion or that of the collective body is not accepted or acted on as may sometimes happen. The ferment which such contingencies might occasion would far outweigh the advantages expected to be derived. Then as to Ruling Chiefs and territorial magnates, they are not always in touch or sympathy with the masses outside their provinces and will not be acceptable to them. I have also reason to fear that they will themselves not deign to sit with men of lower status.

3. Assuming, however, that the establishment of these Councils is likely to be a valuable means of eliciting opinions on contemplated measures of Government as well as of diffusing correct information as to the acts, intentions and objects of Government, I beg to submit the following observations.

4. As regards the Imperial Advisory Council, I have no remarks to offer as to the constitution and as to the functions to be assigned to it.

5. In regard to the Provincial Council, I would fix the number at 25. Landholders, arts, industries, professions and communities should be represented on the Council. Lists may be called for from Collectors of men for this purpose with reference to observations of Government of India in paragraph 6 of their letter and Government may select from these lists. I consider that the term of office of each member may be fixed at five years. No hard-and-fast rule can, I think, be laid down for the qualifications of the men to be selected, but the men selected should be such as would be able to give really useful advice to Government in matters about which they are consulted. As regards the work to be done by the Council, I think they may be consulted in administrative matters directly concerning the people.

6. *Enlargement of the Imperial and Provincial Legislative Councils.*—I have no remarks to submit with regard to the proposed constitution of the Imperial Legislative Council. As to the Provincial Legislative Council, I beg to state that I agree in the proposals formulated by Government for the distribution of the seventeen non-official seats proposed to be given for the enlarged Council except in the matter of selection

of members to represent Brahmans, Muhammadans and Christians. The formation of electorates for these religionists being attended with difficulties, I would suggest their appointment by nomination by Government. It is desirable that there should be at least two non-official Muhammadan members on the Council considering the Muhammadan population and its importance in this Presidency, and with this view I beg to suggest that out of the five * seats to be filled in by nomination according to my proposal, two be reserved exclusively for Muhammadans. If one of these seats should, however, be decided to be thrown open for election, I would recommend that the Muhammadan voters be selected from among those who pay income-tax on an income of not less than Rs. 2,000 or a land assessment of not less than Rs. 1,000 and from those who possess equivalent qualifications by adding together their proportional qualifications under either of the above two heads.

* $(a+g+h+i)$.

XVI

Nellore District.

ENCLOSURE No. 1.

Letter—from M.R.Ry. V. PARTHASARADHI CHETTI Garu, Head-quarter Deputy Collector, Nellore.
To—the Collector of Nellore.
Dated—the 5th January 1908.
No.—5-R./H.

With reference to your letter Ref. No. 748-G.B/Ver., dated 10th December 1907, I have the honour to submit the following suggestions.

2. *Provincial Legislative Council Scheme—paragraph* 6 (*A*) *of G.O., No.* 886, *Public, dated* 22*nd November* 1907.—The constitution may be altered as follows:—

(*a*) To be nominated by His Excellency the Governor	3
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the factories in the Presidency	1
(*e*) Selected by barristers, advocates, vakils or certificated pleaders, practising or entitled to practise	1
(*f*) Selected by zamindars, proprietors, etc., landholders as defined in the Madras Estates Land Bill (not being members of class (*d*) or (*e*))—	
Northern group	1
Southern group	1
(*g*) Selected by Christians, not being members of class (*d*), (*e*) or (*f*) ..	1
(*h*) Selected by Muhammadans, not being members of class (*d*), (*e*) or (*f*)	1
(*i*) Selected by Brahmans, not being members of class (*d*), (*e*) or (*f*) ..	1
(*j*) Selected by other castes or classes, not being members of any of the classes (*d*) to (*i*) —	
(1) City of Madras	1
(2) Northern group of districts—	
(*a*) All landowners other than those referred to in (*f*) ..	1
(*b*) Municipalities	1
(3) Southern group of districts—	
(*a*) All landowners other than those referred to in (*f*) ..	1
(*b*) Municipalities	1
Total ..	17

The only alterations suggested are that the six seats proposed under class (*j*) of the Government Order may be reduced to four, one may be reserved for factories and one added to the number to be nominated by His Excellency the Governor. It is highly desirable, if not essential, that the Muhammadans and Christians who differ from each other and from the Hindus in so many respects should have a separate representative each in the Legislative Council. Of the Hindus the Brahmans, by their intellectual superiority, are the foremost class and should also have a separate representative. But the other Hindus consist of such numerous and varied classes but not differing much in importance or strength that it is not possible to choose which of them need a special representative and which not. To provide for all would be to multiply the number of seats. As the bulk of the population in the districts are agriculturists two seats may be reserved for them, *i.e* , for those who are not landholders as defined in the Madras Estates Land Bill. The landed interest which the District Boards were originally expected to represent would thus have been adequately provided for by four seats. Two seats may be reserved for the Municipalities as at present.

As under the limitations mentioned above there will be very few wire-pullers it is possible that the five seats under (*j*) will be secured by five different classes. If any class or classes which, though not numerically strong, are of great importance, do not secure seats, His Excellency the Governor may confer one or more of the three seats reserved for his nomination to the representative of such class or classes.

The Indian industries being yet in a backward condition it is desirable to encourage such industries by reserving a special seat for the factories. All those which may be classed as factories within the meaning of the Indian Factories Act and the capital of which is not less than Rs. 50,000 may be registered under this class and the Managing Director, if there is one, or the nominee of the Directors, may be entitled to vote.

3. *Paragraph* 6 (*B*) *of the Government Order.*—The principle enunciated here is very necessary. Otherwise there is the danger of one particular class or community predominating in the Council, if not monopolising all the seats.

4. *Paragraph* 6, *clauses* (*C*) *and* (*D*).—I consider that the qualifications of the candidates for selection should be superior to those of the voters. A youth of 21 years of age may be good enough to vote but unless he is 25 or even 30 he will be hardly fit to take part in the deliberations of the Council composed as it will be of officers of ripe experience and mature judgment. He will have acquired no experience of any value. Again I consider that no person should be considered fit to sit in the Council unless he has an income of at least Rs. 10,000 a year. It is not necessary that all persons entitled to vote should also be eligible for selection. Condition (C) (3) may be modified as follows:—"That no person shall be qualified to be a candidate for selection by a body, class, or caste, unless he is 30 years of age and has double the income or possess double the property qualification prescribed for the voter of that body, class, or caste, and unless he is otherwise qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate."

Clause (4).—The term of office may be reduced to three years as there is no objection to the same candidate being elected for two or three terms consecutively as has happened in the past.

5. *Paragraph* 6 (*D*) (*i*).—It is not known whether the income herein referred to is income from the profession only, or includes income from other sources, such as interest on Government securities, or deposits in banks, or firms, rents from houses, etc. As a practising vakil will not be entitled to vote in any other class, except under (*c*) the income from all sources may be taken into consideration.

(ii) The division of districts for the purpose of this class may be the same as that which may be adopted for the representatives of agricultural classes and Municipalities—*vide* (*j*) (2) and (*j*) (3) in paragraph 2 above.

6. *Paragraph* 6 *D* (*IV*) (*b*) *of the Government Order.*—It is not clear why proprietors of permanently-settled estates are mentioned here. They are referred to in the class 2 (*e*) zamindars, etc. It may be that their property qualification may not entitle them to a vote in that class but that is no reason why they should be included in another class. In every class or caste there will be a large number of persons not entitled to vote. Further in paragraph 6 (*B*) of the Government Order it is expressly stated that those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of class (*d*), (*e*) or (*f*), which I presume means apart from restrictions as to age, property, etc. All persons who are landholders within the meaning of the Rent Recovery Act or any Act which may supersede it, should be excluded from classes (*g*) to (*j*) and (*e*). Otherwise the Government ryots and tenants of zamindari estates will be at a disadvantage.

7. (*V*) According to my proposals the Presidency will be divided into two groups.

8. *Paragraph* 6, *clause* (*E*) *of the Government Order.*—The number of seats to be filled up by nomination may be raised to (3) but there is no reason why the Governor should be bound to nominate men of three particular classes or castes only. There may be an important community crowded out altogether. Again it may so happen that the nominee of the senate or the vakils or the nominees of both may be of the same caste or community as (*g*), (*h*) or (*i*).

9. *Paragraph* 6, *clause* (*F*) *of the Government Order.*—Literate qualifications should be insisted on in the case of candidates for selection. It may be laid down for instance that they should be able to understand English and express themselves in English.

10. As regards the Provincial Advisory Council it may consist of twenty-five members including the Provincial members of the Imperial Council. Representatives of the following bodies, classes or associations, may be appointed to it :—

(1) Chamber of Commerce		1
(2) Merchants, contractors, etc.—		
(*a*) European .. 1		
(*b*) Hindu 1	.. ..	3
(*c*) Muhammadan .. 1		
(3) Newspapers, English—		
(*a*) European .. 1		
(*b*) Indian .. 1	.. ..	2
(4) Newspapers, Vernacular—		
(*a*) Hindu .. 1		
(*b*) Muhammadan .. 1	.. ..	2
(5) Public Associations, such as the Mahajana Sabha—		
(*a*) Hindu .. 1		
(*b*) Muhammadan .. 1	.. ..	2
(6) Missionaries		1
(7) Temples and Mutts		1
(8) Education (Professors and Schoolmasters)—		
(*a*) European .. 1		
(*b*) Hindu .. 1	.. ..	3
(*c*) Muhammadan .. 1		
(9) Agricultural classes, Planters, etc.—		
(*a*) European .. 1		
(*b*) Hindu .. 1	.. ..	3
(*c*) Muhammadan .. 1		
		81

I consider that a Council as composed above would secure the main object in view, namely, the association of non-official Europeans with the leaders of Indian Society and their common consultation on matters of public importance so as "to promote a better understanding and to clear away on both sides injurious prejudices and misconceptions."

ENCLOSURE No. 2.

Letter—from J. G. BURN, Esq., Acting Sub-Collector, Gudur division.

To—the Collector of Nellore.

Dated—23rd January 1908.

No.—214./D.

I have the honour to submit the following remarks with reference to your Reference No. 748-G.B./Ver., dated 10th December 1907.

2. *Imperial Advisory Council.*—In my opinion the territorial magnates of Madras have as a body no special claim to be considered "hereditary leaders of the people" and I consider that advisers drawn exclusively from this class would not be best qualified to give effective counsel "in matters affecting the welfare of the people." I would suggest that the area of choice need not be so limited and that, *e.g.*, retired Indian Officials both of British India and of Native States in Southern India and others who hold or have held high office or recognized public positions might be eligible for nomination. It may be objected that the great ruling chiefs might be averse from joining a council so constituted, but if they are not unwilling to become members of a body composed as suggested by the Government of India, I am unable to see, why the change now suggested should alter their attitude.

3. *Provincial Legislative Council.*—The special representation of Brahmins and Christians is in my opinion uncalled for. The former are certain to be represented otherwise and their interests are in any case not in the least likely to be overlooked. Christians do not form a homogenous community and the principal denominations have powerful missionary bodies behind them to guard their interests. The interests of a member of any special class are bound up much more with those of the locality in which he resides, than with questions affecting his class alone. The Baptist Christian of Nellore and the Church Mission Society Christian of Tinnevelly are interested along with all others in their respective districts in what concerns the welfare of those districts, but *qua* Christians, they have little in common. The case of Muhammadans is perhaps different.

4. Representation of special classes in so far as it may be considered necessary should, I think, be secured by nomination and not by election. It would be unnecessary to lay down any hard and fast rule as to the castes or classes to which nominated members should belong. The result of the elections would show what communities were not represented and the nomination might be regulated accordingly.

5. I would suggest that the seats to be filled by nomination should be increased to three and that in place of the classes (*g*), (*h*), (*i*) and (*j*) eight seats should be filled by election. The Presidency (excluding the city of Madras) might be divided into eight electoral areas arranged as far as possible to include only tracts having similar interests. The precise limits of constituencies would depend upon the franchise adopted and the numerical distribution of voters, as it is desirable that each vote should have the same value as nearly as possible.

6. I would propose as an addition to the general conditions mentioned in the memorandum that a candidate should have recided permanently or at least seven years since attaining majority within the local area for which he seeks election. It seems necessary to impose some such condition in order to ensure local knowledge and to prevent the selection of persons with merely nominal residential qualifications. No person should be eligible as a candidate for any of the eight mufassal seats, whose name is borne on the voters' registers for classes (*b*), (*c*), (*d*), (*e*) and (*f*).

7. The franchise proposed seems in several instances unnecessarily high considering the low average of income in this country. Under class (*d*), I would suggest that those only should be included, who derive a qualifying income from the exercise of their profession and that this should be reduced to Rs. 2,000. All persons belonging to this class and paying income-tax on Rs. 2,000 of professional income should be registered under this class.

8. With reference to the voters' qualifications for elections in mufassal constituencies, the Land Revenue Administration Reports show that the electorate would be very limited if confined to persons paying Rs. 2,000 assessment. I think the average man paying Rs. 500 is quite capable of voting and the figure might be reduced to this amount. The franchise might also be extended to all paying income-tax on Rs. 2,000. All members of Municipal Councils and District and Taluk Boards might be given votes irrespective of whether they are otherwise qualified. The right to vote might also be conferred on retired civil and military officers of the Government drawing pensions of a certain amount—say Rs. 100 a month.

9. While suggesting the reduction in the amount of income required to give a right to vote, I would retain the candidates' qualifications at the figures mentioned in the memorandum.

10. *Provincial Advisory Councils.*—I feel that the most satisfactory way of eliciting opinion would be through the medium of local officers, who should be required to personally consult in each locality those who are able to give advice from their own experience in the particular matter in hand. This is however beside the mark as the memorandum assumes the desirability of constituting an Advisory Council of the kind mentioned by the Government of India.

11. I would suggest that the Council be constituted as following having regard to the maximum strength proposed:—

(*a*) Madras members of the Imperial Advisory Council.

(*b*) Eight members to be nominated, one from each electoral district.

(*c*) The remaining seats to be filled by nominees representing various sectional interests.

12. The opinions of the members of the Legislative Council would also be available and the nominations under (*b*) might be regulated with reference to the result of the elections. Thus if a representative of the mercantile community were elected, the nominee to the Advisory Council might be taken from the professional or agricultural class. Under (*c*) I think mufassal Municipalities and District Boards should be represented by non-officials having personal knowledge of the administrative work of these bodies.

ENCLOSURE No. 3.

Letter—from the Rev. D. DOWNIE, D.D., American Baptist Mission, Nellore.
To—the Collector of Nellore.
Dated—the 18th December 1907.
No.—Ref. 748.-G.B.

In reply to your letter No. 748.-G.B., dated the 10th instant, requesting my opinions on the Government scheme for the formation of Advisory Councils and the enlargement of the Legislative Councils, I have the honour to submit the following :—

I am persuaded that the formation of Advisory Councils will promote the fellowship of the rulers and the people and do much to remove the prejudices that exist between the European and Indian races.

Imperial Advisory Councils.—I think that the scheme suggested by the Government of India is admirable with perhaps a few exceptions. It seems to me that five years is too long for the term of membership. In the first place it is quite possible that mistakes may be made in the selection of the councillors and in that case it would be a pity to perpetuate the mistake for so long a time as five years. Of course, an unworthy member could be removed, but a man might be sufficiently inefficient to preclude him from re-appointment, and yet not sufficiently objectionable to justify his removal. Again as the total number of members for all India is only 60 and as there would be many other equally worthy men available, it would be a long time before they could be honoured by appointments. And finally since members can be reappointed, I should think that two years, or at the most three, should be the limit of the term.

Provincial Advisory Councils.—All that can be said of Imperial Advisory Councils can with equal or even greater force be said of Provincial Advisory Councils. I notice that the Government are very anxious to see that Muhammadans properly represented on these Councils. I wish I could see equal anxiety to see that Native Christians were fairly represented. Every year adds to their already considerable influence and they in a way represent the great Panchama class which is almost, if not quite, as numerous as the Muhammadan. They are not as influential, but they are certainly as loyal. We hear of disloyal Hindus and disloyal Muhammadans, but rarely if ever of a disloyal Native Christian. Would it not be well if Government gave more recognition to this fact ?

Enlargement of Legislative Councils.—I am glad to note that in enlarging these Councils the Government deem it wise to maintain a working majority of official members. It would be fatal to the whole scheme to have it otherwise. The time when a different policy could be safely pursued is still in the dim and distant future.

(1) *Imperial Legislative Councils.*—Of the four members appointed by the Viceroy to represent minorities, four are to be Hindus and four Muhammadans. Why might not one of the four be a Native Christian ? Might it not, at least, be " two Muhammadans " or one Muhammadan and one Native Christian according to the size of these communities in a given territory ? It seems to me that would be fairer. I strongly commend the last paragraph of 17 on page 9. Special attention should be called to paragraph 18 in which it is proposed that two members be elected by the provinces in rotation. If the term of service were to be five years, it would be 25 years before Madras would have an opportunity to elect two members.

(2) *Provincial Legislative Councils.*—In regard to the elective franchise, I am of the opinion that it should be raised. It seems to me absurd that any man paying Rs. 1–8–0 a year taxes should be entitled to vote for Local Board members. It should be at least doubled and a literate qualification should be added. I strongly favour the first part of paragraph (*c*) under 22 on page 10, but I would take exception to the statement beginning on the 9th line of page 11. Why should four of the eight members be Muhammadans ? It certainly would not be a fair division in all districts as *e.g.*, Travancore or Tinnevelly, where the Native Christian population is so large.

The Scheme.—The scheme on page 15 is excellent. I strongly approve of pargrapahs (*e*) and (*f*). I certainly think that there should be a literate qualification.

ENCLOSURE No. 4.

Letter—from M.R.Ry. B. PATTABHI RAMA REDDI Garu, Buchireddipollem, Nellore taluk.
To—the Collector of Nellore.
Dated—the 14th March 1908.

With reference to your letter, Ref. No. 748-G.B./ Ver., dated the 10th December 1907, enclosing a copy of the G.O., No. 886, dated the 22nd November 1907, and reminders thereto, I beg to report as follows :—

(1) While thanking the Government for the honour done to me by this reference of an important subject for my personal opinion, I beg to apologise for the long delay on my part in submitting this report. Some domestic inconveniences made it impossible for me to reply to your letter earlier.

(2) About the subject of the establishment of Advisory Councils, so far as the Imperial Advisory Council is concerned, while I am at one with the Government of India in recognising the necessity for its existence, I beg to submit that I hold different views about its constitution and working. In the first place, I am of opinion that sixty is too large a number. To avoid making the Council unwieldy, the maximum may be fixed at thirty. Secondly, the object of the existence of the Council being not only "to draw out opinion on measures in contemplation but also — what is hardly less important — as an agency for the diffusion of correct information upon the acts, intentions and objects of Government," in short, the object being to take the people of the country into the confidence of Government and to bring about a better understanding about its acts and intentions, the proposal that it should be composed of the "great ruling chiefs and the territorial magnates of British India" does not commend itself to my humble self. These "great ruling chiefs and territorial magnates" may possess, as the Government says, "a material stake in the country"; but very often their interests are opposed to those of the general run of people, the "dumb millions," of the Indian Society, whose interests the Government should always have at heart. By way of example, I may here refer to the agitation carried on by the "landed aristocracy" against the passing of the Madras Estates Land Bill, which was recently passed into an Act by the Madras Legislature. Further it is not correct to hold that these ruling chiefs and territorial magnates are acquainted with the daily life of the people and are qualified to speak with authority on their behalf. On the other hand, they are notoriously out of touch and sympathy with the people, and are never regarded as their leaders by the people themselves. When the measure is one intended to benefit the people, the Government will have to choose not those whom it regards as the "hereditary" leaders of the people but those who are looked on as their leaders by the people themselves. The Government will have to see in whom the people themselves have confidence. So the proposed Imperial Advisory Council should be so constituted that it does not become unwieldy, and that while the interests of the landed aristocracy are not left entirely unrepresented, the majority of councillors are taken from among the educated men who are the real leaders of the people. Then, turning to the mode of its working, I am of opinion that the proceedings should never be conducted in private, within closed doors. Privacy is never the way to secure the confidence of the people. The people must have opportunities of knowing whether their leaders — hereditary or otherwise — are truly voicing forth their opinions or not. The very objects of the existence of the Council will fail if the people have no means of knowing this. When an important measure is undertaken by the Government after due consultation with the Advisory Council, if the measure is opposed to the popular feeling, the people will not be in a position to know whether their representatives on the Council advise the Government one way or the other and whom they have to blame. So the proceedings of the Council must be conducted openly so that there may not be any mistaking or misunderstanding about the acts and intentions of the Government.

(3) Then as regards Provincial Advisory Councils, I have similar remarks to offer. The number may be fixed at twenty. Besides the Imperial councillors from the province, provision may be made for the representation of separate important interests, such as smaller landholders, industry and commerce, etc. But there must be a fair number of representatives taken from among the leaders of the people to represent the general interests of the population. The ryots and artisans who form the backbone of the population must be fully represented. Further, as a general principle to be had in view with reference to the whole scheme, no restrictions are to be placed on the choice of the electorate. Those given a vote must be permitted to choose the man they think best fitted to represent them.

(4) Coming to the question of the enlargement of the Legislative Councils, the constitution suggested in paragraph 12 of the Government of India's letter is disappointing. Out of the 45 members who are to be appointed either by election or nomination, only eighteen are elected and the remaining twenty-seven are nominated. Again, of these 27, twenty are officials and the remaining seven are to represent minorities or special interests. This shows with what great caution the Government are proceeding. To my mind, British history in India has arrived at a stage when the Government should cast off all these unnecessary and unwarranted fears and begin to have more confidence in the people. I wish, therefore, that full representation is given to the people without at the same time crowding the Council room with too many official members. The power of veto vested in the Viceroy will be quite sufficient to check any perverse action on the part of the councillors against the policy and intentions of the Government. This may be a little too much in advance of the scheme now under consideration. But the scheme as now suggested errs too much on the other side. Even if the policy of the Government be to maintain official majority, they may do so by making the non-official members almost equal in number to the official members, by making the number of elected members more than as now suggested. About the electorates, the proposals of the Government of India are highly objectionable. Representation based on caste and creed is highly inexpedient and unwholesome, if not mischievous. It is a retrograde step. It will tend to greater conservatism and increased animosity among the members of the various castes and creeds. It will have the effect of perpetuating the caste system, now in vogue, which is taxing the utmost energies of the social reformers to break down. It will undo the effect of the past fifty years of reform work. It will stifle all signs of nationality, here and there visible in spite of differences

of religion and social barriers. The aim of the Government ought to be to weld all the innumerable races of the Indian population into one and foster the growth of an Indian nationality. So, the Government should never undertake to provide for representation by castes and creeds, but should pefer as much as possible territorial representation.

(5) Finally, about the question of the enlargement of the Provincial Legislative Councils, the above remarks will apply equally well. The electorates suggested in this case seem to be capable of worse evils. Whereas, in the case of the constitution of the Imperial Legislative Council, an electorate is proposed to be formed of the Muhammadans separately in the case of the proposed enlargement of the Provincial Legislative Councils, electorates are proposed to be formed of sub-divisions of the communities. For instance, the Hindu community is not allowed to go as one, but sub-divisions of the same are recognised as separate entities. This system would yield very undesirable results. Even within a single community, one caste will come to view another with envy, if not with hatred, while even within a main caste, say of Brahmans, the animosity based on inferiority and superiority will begin to manifest itself. Before passing to the question of property qualifications, clause (*c*) (3) of the Local Government's scheme deserves a remark which I had already occasion to make. No restrictions, however, should be placed on the choice of an electorate. It should be allowed to choose the man it thinks best fitted to represent its interests whether he is in the first instance himself qualified to vote. Then with regard to the "special conditions," suggested in clause (*d*) of the Local Government's scheme, the property qualifications fixed are too high. The minimum income of Rs. 5,000 referred to in clause (*d*) (i), (iii) (2) and (iv) (*a*) and (*b*) may be lowered to Rs. 2,000; and the minimum in clause (*d*) (ii) might also be lowered proportionately. To compensate for the lowering of the property qualification literate qualifications in the candidates, if not in the voters, should be insisted on.

(6) These are the remarks I have to offer about the scheme now before the public. I believe that the scheme is really a step in the right direction. I hope that the Government will pay sufficient heed to the public opinion elicited and improved on the scheme as at present proposed so as to make it less "disappointing" and more acceptable without at the same time weakening the arm of the Government. I also hope that the principle of the Advisory Councils, the system of sounding the public opinion, may be adopted on a smaller scale in the various districts in matters affecting the district administration.

Enclosure No. 5.

Letter—from Madras Muhammad Hussain Sahib Bahadur, Registrar of Nellore.
To—the Collector of Nellore.
Dated—Nellore, the 20th January 1908.

Adverting to your Reference No. 748-G.B./Ver., dated 10th December 1907, I have the honour to submit my opinion on the proposals of the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils communicated with G.O., No. 886, Public, dated 22nd November 1907, with special reference to the needs of the Muhammadan community.

Imperial Advisory Council.

2. I approve of the proposal to form an Imperial Advisory Council of the ruling chiefs and the territorial magnates of British India, as they are likely to appreciate more than others the difficulties incidental to the task of administration and similarly perceive the good or bad points of the measures proposed to be introduced by Government. Those who do not see eye to eye with Government might, however, discern in the proposal to associate the ruling chiefs with the great landholders, an attempt to lower the prestige of the chiefs, and it would accordingly be desirable to have two separate organisations, one of chiefs and the other of landholders, at the outset. In that case the proposed Council might consist of all the ruling chiefs and a suitable number of territorial magnates of British India and the former might hold office for a longer term than the latter. The Government would find it profitable to consult both organisations on such matters as the following:—

(1) Plague measures.
(2) Famine relief.
(3) Sanitary needs.
(4) Education of the masses.
(5) Revival of old industries and creation of new ones.
(6) Upkeep of religious endowments.
(7) Social legislation.
(8) Proposals for fresh taxation.
(9) Improvement of the relations subsisting between the rulers and the ruled and between the different classes of subjects.

3. It would neither be necessary nor expedient, however, to invite the opinion of the territorial magnates of British India on questions affecting the internal administration of Native States, their relations with the paramount power, the interests of minorities in such States and the military defences of the Indian Empire; and such subjects should, it is submitted, be left to be discussed by the ruling chiefs and the Imperial Government as at present. The foregoing lists of subjects are by no means exhaustive ones and they are merely intended to indicate the line of distinction which has to be drawn in such cases. There would necessarily be a diversity of opinion among the members of the council if they were individually consulted by Government, but the Government would still have sufficient materials on which to base its conclusions on any particular subject. The question of bringing the members of the Council together for consultative purposes and postponing measures that might be opposed by a majority of them, would crop up sooner or later and it might be taken up for consideration in the event of the Council fulfilling the expectations formed of it.

Provincial Advisory Councils.

4. I see no objection to the proposed formation of the Provincial Advisory Councils. The Council for this Presidency might consist of between 25 to 30 members, as it is proposed to include in the said Council not only the great landholders appointed to the Imperial Advisory Council but also Indian representatives of other important interests and non-official European gentlemen standing for such interests. It is presumed that the ruling chiefs will be excluded from the Provincial Councils. The members of these Councils might be asked to give their opinion on matters similar to those coming within the purview of representatives of the great landholding class in the Imperial Advisory Council, but in the case of the Provincial Councils collective deliberation might be substituted for individual consultation, as such a procedure would tend to enhance their reputation in the estimation of the public. If the Government of India were to recognise the principle of giving due weight to the opinions of the majority of the members of the Imperial Council on any particular question, that principle might with advantage be followed by Local Governments in dealing with the Provincial Councils.

Enlargement of the Imperial Legislative Council.

5. In the scheme proposed by the Government of India, provision is made for the nomination of a ruling chief for the Imperial Council, but I apprehend that the ruling chief, if nominated, will prefer to remain neutral whenever there is a sharp difference of opinion between the official and non-official members. The inclusion of a ruling chief in the Council will nevertheless add to its dignity by introducing the element of *personal* rule by a hereditary prince of the soil and afford him ample opportunities of obtaining first-hand knowledge of the requirements of the country in general. The Government of India also propose to allot two seats for the Chambers of Commerce of Calcutta and Bombay, but it is doubtful whether the other Chambers of Commerce will consent to waive their claims in this respect. At any rate, the Madras Chamber of Commerce might urge its claims for representation in consequence of the impetus given or likely to be given to commerce in this Presidency by the partial diversion of the overland route from Bombay to Colombo and thence to Tuticorin, the extension of the Madras Harbour in progress and the proposed construction of harbours at other important ports and the amalgamation of the different railway systems recently sanctioned by the Secretary of State.

6. The scheme circulated by the Government of India further provides for the nomination of two non-official members not being Muhammadans to represent minorities or special interests and of two experts, when necessary, for special purposes. It is presumed that the seats so reserved are intended to be filled by members of the Native Christian and Parsi communities and representatives of the planting, mining, and other special interests. One or more seats might still be required for experts on matters connected with sanitation, mass education and technical education in view of the great importance attached to these subjects, and there would be no objection to such experts being either nominated by Government or elected by the people, special qualifications being fixed for voters as well as candidates. I am in favour of the proposed representation of landholders in the Council, for they possess more than others a material stake in the country. It might, however, be contended that the landholders are as a class accustomed to lead a luxurious life and do not freely move with the ordinary people and that as they are themselves placed above want, they cannot be expected to sympathise with the masses and examine things from their point of view. But it must be stated *per contra* that as most of the landholders have received Western education they are sure to acquire useful training in the art of administration by coming in contact with the best intellects in the Council and that they will be obliged in the long run to study the requirements of the country and otherwise justify their own nomination.

Muhammadan Representation.

7. I also welcome the suggestion for the special representation of Muhammadans, seeing that it is the outcome of the efforts of the Muhammadan deputation which waited on His Excellency the Viceroy in 1906. The Government of India propose to set apart four seats for

Muhammadans, two to be filled by nomination and two by election by the following provinces in rotation, viz., Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, Bombay and Madras. As regards Burma and the Central Provinces, however, the Government of India observe that the proportion of Muhammadans in these provinces is not large enough to entitle them to special representation, but I beg most respectfully to submit that the smaller the Muhammadan population in any province, the greater is the need for its special representation in that province, having regard to the painful circumstances brought to light by the partition of Bengal. I would not, however, press this point so far as the excepted provinces are concerned, because the Muhammadan member for Bengal might be expected to look after the interests of his co-religionists in the provinces which are to remain unrepresented, owing to the shrinkage of his own province and its proximity to the excepted provinces, by putting himself in communication with the leading *Anjumans* in those provinces. Assuming that two of the six important provinces which are to be accorded special representation are represented by nominated members and two others by elected members and that both nominated and elected members will hold office for a substantial term, say, five years, the remaining two provinces will be left unrepresented for a similar period. The Government might also find it necessary to nominate on grounds of policy a Muhammadan member for a province which already possessed an elected representative and in that case those provinces which had neither nominated nor elected members to look after their interests would remain unrepresented for a longer term than five years.

8. In view of the foregoing contingencies and the representations made by the Muhammadan deputation which waited on His Excellency the Viceroy, I would earnestly plead for the reservation of 6 seats for Muhammadans so that 3 of the important provinces might be represented by nominated members and the remaining 3 by elected members *by turns*. The seats so set apart, when added to those which are expected to be filled by Muhammadan members returned *in the ordinary manner* by the provinces of Eastern Bengal and Assam and Punjab would undoubtedly raise the proportion of Muhammadan seats in the Imperial Council to those which are intended to be filled by members of other communities, but an increase in the number of the latter seats might be hoped for in consequence of the representations received on the subject from the communities concerned and of the observation made by the Government of India that the scheme put forward by them is intended to be entirely provisional and suggestive. In this connection I beg to state that no special electorate need be formed in the case of Muhammadan members returned to the Imperial Council and that it will be sufficient if the selection is made from among Muhammadan members of the Provincial Councils themselves. I agree with the Government of India that the official majority must be maintained in the Imperial and Provincial Councils, for I am fully convinced that India cannot hope to govern herself for a long time to come owing to differences of race, caste and creed and needs the strong arm of the British Government to prevent any particular community from gaining undue ascendency over others.

Expansion of the Provincial Legislative Councils.

9. The scheme drawn up by the Madras Government provides for the election of a member for the Provincial Council by the citizens of Madras but it is not likely that the Municipal Corporation of Madras which has all along enjoyed the privilege of returning a member to the Council will acquiesce in the proposal. There will be no objection, however, to the withdrawal of the privilege, provided it is not intended to be exercised by the premier Municipalities of other provinces. Provision is also made in the scheme for the nomination of two members by His Excellency the Governor apparently with a view to secure the representation of the planting, mining and other important interests. The future progress of the country, however, depends on mass education, technical education and sanitary improvements. One or more seats might, if necessary, be provided for those who have made a special study of these subjects, the requisite qualifications being prescribed in the case of voters as well as candidates.

Muhammadan representation.

10. As regards the proposed representation of members of the legal profession, I beg to state that the few Muhammadans who happen to belong to it having only recently commenced their career as such cannot expect to realise an income of Rs. 5,000 per annum within a measurable distance of time and that even if they should come to possess this qualification in course of time, they are not likely to win in an unequal contest for seats with members of other communities. If in spite of this fact, the Muhammadan members of the legal profession were disqualified from voting or standing as candidates for their own community, they might become discontented with their own anomalous position and make common cause with the irresponsible critics of Government as apprehended by the Muhammadan deputation. The Muhammadan members of the bar might accordingly be excluded from the class of barristers, etc., and permitted to take part in the election for the seat reserved for the Muhammadans themselves.

11. The Local Government propose to make provision for the election of only a single Muhammadan member in lieu of the one at present nominated by His Excellency the Governor, but the improvement contemplated is not accompanied by an increase in numbers notwithstanding

the proposed expansion of the Council. I regret that I cannot also see my way to signify my approval of the alternative proposal made by the Local Government that power may be taken for the nomination of the *only* Muhammadan member proposed by them, if his election presents objections on account of the voting difficulty, in the face of the authoritative opinion expressed by the Muhammadan deputation that the system of nomination has frequently failed to secure the appointment of Muhammadans of the class by whom the community desires to be represented. I therefore beg to respectfully suggest that two seats be set apart for the Muhammadan community, one to be filled by election and the other by nomination, to admit of the representation of the mufassal as well as Madras Muhammadans, as the former labour under special disabilities of their own and the latter comprise several wealthy merchants and scions of ancient families. It will not be out of place to state here that my request is based on the proposal of the Government of India to permit the Muhammadan members of the Provincial Councils—to elect from among themselves their representatives for the Imperial Legislative Council which proposal presupposes the existence of more than one Muhammadan member in the several Provincial Councils.

12. Again the property qualifications prescribed by the Madras Government in the case of Muhammadans are much higher than those proposed by the Government of India and the literate qualification suggested by that Government does not find place in the scheme circulated by the Local Government, as will be seen from the following extracts :—

Qualifications proposed by the Government of India—Vide paragraph 17 of their Resolution.

(1) All who pay land revenue in excess of a certain amount. The figure need not be the same in each province but should in all cases be sufficiently low to embrace the great body of substantial landholders.

(2) All payers of income-tax. This would comprise the trading and professional classes, with incomes exceeding Rs. 1,000 a year.

(3) All registered graduates of an Indian University of more than say five years' standing.

Qualifications suggested by the Local Government, paragraph 7 (d) iv.

No person shall be registered as a voter unless —

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000 or,

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000 or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

13. If the last-mentioned regulations were put into force, the Muhammadan officers who are in service or who have retired on pension, but who nevertheless form the enlightened portion of the community would be disqualified from participating in the election for their constituency, for they are neither in possession of extensive landed property nor in receipt of handsome salaries or pensions. And the choice for membership might invariably fall on big Muhammadan merchants or landholders who not having availed themselves of western education to the same extent as Muhammadans of the middle class could not be expected to represent Muhammadan interests as effectively as members of the latter class. The Local Government have evidently fixed high property qualifications in the case of Muhammadans with a view to restrict the number of voters and to minimise the difficulty likely to be experienced in arranging for voting over such a wide area as that covered by the Madras Presidency, but the field of selection would thereby be unduly narrowed and Muhammadans of the requisite stamp would not be forthcoming to represent the interests of the community in the Council.

14. In my humble opinion, the difficulty anticipated by the Madras Government might be solved by authorising the leading *Anjumans* at district head-quarters and in the Metropolis and the Muhammadan graduates to nominate their representatives in proportional numbers for the election of a member to represent the Muhammadans of the Madras City and of the Presidency in the Council by *turns*, the additional member proposed by me being nominated by His Excellency the Governor for the unrepresented portion of the constituency. My proposal is based on the analogy of the views expressed by the Government of India in paragraph 22 (*b*) of their Resolution. The Muhammadan graduates being few in number, their registration in accordance with the new University Regulations need not be insisted on but there is no objection to their being disqualified from voting for the representatives of the *Anjumans*. The *Anjumans* themselves might be required to get themselves registered under Act XXI of 1860 for purposes of official recognition. As the existing *Anjumans* comprise several well-educated and influential Muhammadans, they are not likely to abuse the powers proposed to be vested in them. It would, therefore, be unnecessary to prescribe any voting qualifications in the case of members of the *Anjumans* but in the case of the candidates themselves the following qualifications might be insisted on : (1) Incomes exceeding Rs. 1,000 and liable to income-tax or (2) Immoveable property, lands and houses of the value of Rs. 5,000 and upwards liable to land revenue including water-rate, land cesses or Municipal tax and (3) Possession of the degree of Bachelor of Arts, Law or Medicine.

Conclusion.

15. In this connection I beg to be permitted to offer a few general observations on the subject of Muhammadan representation in the Imperial and Provincial Legislative Councils. The Hindus being long accustomed to Muhammadan as well as English rule have readily adapted themselves to the changed conditions and if the Muhammadans have lagged behind, it is because they have had to undergo the necessary probation to attain this end. There is no gainsaying the fact that the British rulers who have been appointed by Providence, as it were, to hold sway over this vast Empire are actuated by the best motives and wish to deal impartially with all classes of subjects whose destinies are committed to their care; but the subordinates who are necessarily employed in large numbers to assist the Government in the task of administration cannot be expected to get out of the narrow-groove of vested interests with all their good intentions and fully sympathise with the aims and aspirations of minorities. The independent members of the communities from whom these subordinates are drawn being of the same temperament, much cannot be expected of them either; and the minorities are liable to be relegated to a corner unless the Government intervene in their behalf. The work of the British administrators themselves having enormously increased with the growth of Indian Empire, they have to rely largely on the Indian staff and their independent leaders for information regarding the condition of Muhammadans and other minorities as they happen to belong to an inarticulate section of the population; and this state of things is likely to continue even after the latter have obtained their proper share of appointments their total population being what it is, unless the charges of the administrators themselves are reduced in size. The Muhammadans have not been able to make their influence felt even in Provinces where they form a majority of the population and their condition cannot be expected to be satisfactory in those provinces in which they count as a minority. The only remedy that suggests itself to my humble mind is that the Muhammadans and other minorities should be more than adequately represented in the Councils of the Empire through their best sons, having regard to their past traditions. I beg accordingly to conclude with a fervent hope that the authorities who have already begun to move in the right direction will not rest satisfied until they have accomplished the task which they have set before them.

Enclosure No. 6.

Letter—from Moulvi Muhammad Assaudin Ahmed Sahib, Khazi of Nellore.
To—the Collector of Nellore.
Dated—Nellore, the 20th February 1908.
No.—Ref. 748 G.B.-Ver. of 1907.

Adverting to your letter Reference No. 748-G.B./Ver., communicating G.O., No. 886, dated 22nd November 1907, inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I beg to submit as follows.

Imperial Advisory Council.

2. I am strongly in favour of the proposal to form an Imperial Advisory Council of Ruling Chiefs and territorial Magnates of British India. Such a step will not only bring the Ruling Chiefs in closer touch with the Government but will also enable them to perceive the aims and objects of the Government in the introduction of a measure calculated to be good to the subjects. Under such circumstances the Ruling Chiefs are likely to copy measures of the kind for the better administration of their own States. Further it is only a Ruling Chief or one who has to face the difficulty of giving satisfaction to persons of different shades of opinion that can fully appreciate the value of the introduction of a particular measure and can with advantage offer his opinion on the desirability or otherwise of the adoption of a particular policy intended for the good of the people at large. But the utility of the formation of the Council may be objected to on two different grounds. Firstly, that the Ruling Chiefs of India are not remarkable for their intellectuality or knowledge of politics, and secondly, that in the proposal to form such a Council there is an attempt to place them on a level with territorial Magnates. But these objections though cogent in themselves cannot stand the test of reality. We have found of late an awakening in the Aristocracy of India to the acquisition of knowledge as evidenced by the culture and enlightenment of some of the native princes. Granting that a majority of the princes are still in the dark as regards the advancement made by the world in the field of politics, it does not mean that they should not be consulted. The very fact of their being members of the Council and being consequently called upon to offer their opinion on any important measure will serve as a stimulus for the intellectual advancement, though not of the princes themselves, at least of their progeny. As regards the second objection, it can be urged that the opinions taken being individual and confidential, there is no fear of the princes taking an objection to their being consulted along with others. If some such plan is followed the Ruling Chiefs will be saved from the popular odium in case any unpopular measure is adopted and emboldened to speak out their minds freely.

Provincial Advisory Council.

The proposal to form Provincial Advisory Councils has also my unqualified approval. It is not only the big zamindars but also the persons having particular interests that may be represented on this Council. Matters of the nature of those put before the Imperial Council may be placed before this Council, so far as such matters relate to any particular Province. This Council may also be consulted confidentially, but where no confidential deliberation is necessary the Councillors may be called together and their opinions published if such opinions serve to give weight to any measure introduced by the Government.

Enlargement of Imperial and Legislative Councils—Muhammadan Representation.

I beg leave to join the whole Muhammadan community in welcoming the suggestion of affording special opportunities to Muhammadans to represent their own men in this Council. It cannot be gainsaid that from the time of the initiation of the Council by Government very few suitable Muhammadan members have made their appearance in the Council. Now a step has been taken in the right direction and the Government have thereby earned the gratitude of all my co-religionists. But since the proposal was made, there has been so much irresponsible criticism on the platform and in the Hindu press opposing the suggestion of having separate Muhammadan representation, that it is feared that the suggestion may be dropped. But it is earnestly hoped that the Government will try their best to safeguard the interests of this poor minority. It is contended that class representation will tend to annihilate the idea of unification of India and that it will be a retrograde step aiming at a divide and rule policy. But against this it must be stated that Hindus who speak of this unification of the different races of India have not as yet done anything calculated to bring about such unity. Notwithstanding the spread of western education, the gulf between them and the Muhammadans is widening day after day as evidenced by the agitation over the Nagari question in the United Provinces, cow-killing question, the acknowledgment of Sivaji as the national hero in the teeth of stout opposition and lastly the agitation over the partition of Bengal. This partition has aroused the indignation of the Bengali Baboos not so much because that any cruel injustice has been done them but because they apprehend that Mussalmans in the new Province will on account of their superior numbers get a few more appointments. Some may now deny this, but at the public meeting held to protest against the partition of Bengal, the Raja of Khasimbazaar openly declared that in the new province the Muhammadans would become the majority and that on that account the partition should be opposed. The Muhammadans nevertheless regard the partition as providential, not so much because it has offered a few more openings to them in the public service, but because it has opened the eyes of the authorities to the fact that it is neither advisable nor expedient to allow one particular community to gain undue advantage over others. The Hindus have no doubt acquired high literary attainments, but they have not been able to break themselves off the bonds of ancient traditions in which they have been brought up. In spite of their avowal to the contrary, the Hindus are extremely partial and the Hindu electorate have not as yet returned to the Council any Muhammadans with perhaps the honourable exception of the late Mr. Sayani of Bombay and the Hon'ble Syed Muhammad of Madras and these members again would not have been elected but for their pro-congress tendencies. The inference is that this state of things will continue in the absence of class representation. The Muhammadans do not possess any powerful organs of public opinion and it is necessary that they should be properly represented in the Council, for this is the only means by which the rulers can have first-hand information on topics affecting Muhammadan interests. The Muhammadans have till now held themselves aloof from all movements calculated to create unrest and it will be a poor consolation to them if the political concessions are doled out to them; and as urged by the all India Muhammadan deputation, the rising generation of Mussalmans relying on the strength of agitation to get political rights will get out of hand if sufficient heed is not paid to the recommendations of the deputation. Further the several papers in India and in England have recently taken up the cause of the Muhammadans and even admitted that they have not been treated with sufficient consideration by the authorities. Now if the Muhammadans are not represented in sufficient numbers the Hindus are likely to taunt them by saying that all the eulogium bestowed by the English papers on Muhammadans was the outcome of a set purpose, viz., to humour one class so that it may not join the other classes. Moreover the British Rulers are few in number and the native subordinates preponderate in lower ranks of service and if any injustice results from the indiscretion of the latter it is attributed by the minorities to the former. There are also those who think that a sort of double form of Government is carried on in this country much to the chagrin of those who till recently held sway over the empire. With due deference to the capabilities of the Hindu officials, I may be permitted to observe that whatever educational qualifications the Hindus may possess, they are not likely to prove as impartial as the British administrators because the former have not had their mental horizon widened like that of the latter by corporate life, freedom from inborn prejudices and foreign travel. Unless the Hindus show by practical deeds what they say as regards national unity and advancement, they are not expected to get out of the vested interests. They cannot reach the goal they aim at until they reform themselves socially, for social progress is the foundation on which the superstructure of the political advancement can be built and all attempts to bring about political progress without having advanced socially must prove futile. But such social progress cannot

be expected to take place within a reasonable distance of time and class representation then is the only remedy for such evils. The Hindus cannot have any just cause for complaint seeing that they have not taken the trouble of returning Muhammadan members in the past. They hold more than their due share of Government loaves and fishes and otherwise carry on practically the administration of the country. The inequality cannot be redressed unless the Muhammadans and other minorities are adequately represented *at least* in the Council.

The Government of India propose to set apart four seats for Muhammadans—two to be filled by nomination and two by election by certain provinces in rotation. But I beg to submit that the number must, at least, be double of which it is proposed to be four at least must be nominated and four elected. In the Government of India's scheme, Central Provinces and Burma have been left out on the score of the Muhammadan population in those provinces being small. But it is submitted that smallness of number must add weight to the necessity of having representation. The proportion of the educated Muhammadans in the United Provinces is sufficiently large, but in spite of this fact they are crowded out by the Hindus in the principal walks of life. No proof is needed as regards the disabilities under which the Muhammadans labour in the province of Eastern Bengal and Assam and the partition has clearly shown in what way the wind blows. In Burma there are several wealthy Muhammadan merchants and others; and in the Central Provinces the Muhammadans are shut off from the outside world on account of its being an inland province. They must therefore have their representations. Further the Muhammadans in these provinces will feel themselves slighted if they are not accorded equal treatment. I beg to submit that there should be no special electorate in the case of the Muhammadans. The members of the Provincial Council may from among themselves elect the members for the Imperial Council.

Expansion of the Provincial Legislative Council.

The Local Government propose a single Muhammadan in place of the one at present nominated. But I beg to suggest that there must, at least, be three members—one nominated and two elected—to represent the Muhammadan community. The Muhammadans in this Presidency are scattered over a wide area with different languages, customs and habits. The Mappillas alone who form about one-third of the Muhammadan population differ completely from their co-religionists. It is therefore necessary that the Mappilla and the other mufassal Muhammadans should be separately represented. There are several wealthy Muhammadans in the Metropolis as also descendants of the former Rulers of the country. These would also like to be represented. Therefore there must, at least, be three Muhammadan representatives in the Council. The qualifications for the candidates for election are very high. The Muhammadan community is proverbially poor and to insist on such high qualifications practically means the exclusions of all Mussalmans belonging to the middle class. All those whose income is calculated to be Rs. 1,000 a year and those who possess property worth Rs. 4,000; and all graduates and under-graduates whose income is not less than Rs. 50 per mensem may be allowed to stand as candidates for election provided they are not in service. There need be no electorate. Members of the recognized Anjumans in the Metropolis and in the mufassal and all graduates and under-graduates may have the power to vote for candidates, some such proposal seems to have been put forward by Mr. Amir Ali, a late Judge of the Calcutta High Court, in his article that appeared a few months ago in the *19th century and after*. Property qualifications will not do in the case of Mussalmans because those that have received English education and are in touch with modern needs are to be found more among the middle classes than among the upper. I specially allude to persons of moderate means who have made a name for themselves and to those that have retired from service. If Muhammadans of the requisite calibre are not returned to the Council, the whole community is likely to be dubbed inefficient by those who differ from them in politics. I beg to submit also that it is necessary that Muhammadans should be expunged from the class of Barristers, etc., having regard to their small earnings and paucity of educated men among Mussalmans. I do not approve of the proposal of the Madras Government that the only Muhammadan member proposed by them should be elected, because such nominated members with the honourable exception of the late Humayunjah Bahadur and gentleman of his stamp have not come up to the expectations of the Muhammadans. At any rate, something has been done by the benign Government to help the poor minorities of India and I sincerely trust that some good will be done to this community despite the opposition the present proposals have aroused in some quarters.

ENCLOSURE No. 7.

Letter—from T. V. VENKATARAMA AIYAR, High Court Vakil and Chairman, Municipal Council, Nellore.
To—the Collector of Nellore.
Dated—the 14th January 1908.

With reference to your letter No. 748-G.S./Ver., dated the 10th December 1907, forwarding to me a copy of G.O., No. 866 of the 22nd November 1907, and inviting opinion on the questions raised in the memorandum, I have the honour to state as follows.

1. I wish gratefully to acknowledge the attitude of sympathy shown by the Secretary of State for India and by His Excellency the Viceroy towards Indian aspirations and feel thankful to them for the opportunity afforded to the public at large to express their opinions on the proposals for the enlargement of the Legislative Councils and the establishment of Advisory Councils, Imperial and Provincial.

2. I do not think that any Indian of position or respectability will deny that the well-being of the peoples inhabiting this vast peninsula requires that the executive authority of the Government should be maintained in undiminished strength and that no greater misfortune could be contemplated than the surrender or the weakening of the British permanent power in this country. I wish therefore to express my entire concurrence with the principle that in any proposal for reform provision should be made for the authority of the Local and Imperial Governments being kept intact and its prestige fully and effectively maintained.

3. I also agree in the view that having regard to the fact that various communities with divergent interests inhabit the country, provision should be made for the representation and the safeguarding of the interests of minorities whenever and wherever it may be found necessary.

The Advisory Council.

4. It is no doubt true that a system of Government such as obtains in this country is often liable to have its actions misconstrued and its intentions misinterpreted and misunderstood. While, therefore, agreeing with the Government of India that an Advisory Council of notables is desirable, I am doubtful whether it will serve any useful purpose if constituted on the lines sketched out in its circular, dated the 24th August 1907. The proposal now made is to appoint a council for the whole of India of about 60 members, consisting partly of ruling chiefs and partly of territorial magnates, having no powers of initiative and only called together at such times as the Government may determine. In the first place it is anomalous that *ruling chiefs* should sit in consultation with zamindars and farmers of revenue and in the next, I hesitate to believe that even if they could be brought together, an assembly of notables would serve the purpose for which it is wanted, namely, as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

5. Ruling chiefs, so far as Indian administration is concerned, enjoy a status which has scarcely a parallel in any other country in the world. They are not the subjects of His Majesty, the King-Emperor, and though they are incapable of negotiating treaties with foreign Governments, they are so far as their own sujects are concerned, ruling sovereigns and for all practical purposes, independent sovereigns, whose relations with the supreme Government, where not dealt with by existing treaties, are regulated in conformity with the well-known principles and doctrines of public International law. These princes may be interested in all questions relating to the external relations of the British Government and their interests may be bound together with those of the Government in the maintenance of the British Supremacy whether within or without the frontiers of this great Empire. They are, in no way, concerned with or interested in the internal administration of the country and have little or nothing in common with the territorial magnates, who, whether as zamindars or shrotriemdars, are mere farmers of the revenue and who along with other subjects of His Majesty are governed by all laws and regulations framed and enacted by the various legislatures, Local and Imperial. That the Nizam of Hyderabad should sit in consultation with the Zamindar of Kangundi seems odd enough and the fact that both should have an equal voice in the solution of questions in which either the one or the other has no interest, makes it necessary that the Government should further consider whether the exigencies of the administration require that ruling chiefs should be associated with the zamindars in the consideration of questions which relate to the internal administration of British India.

6. In the case of ruling chiefs questions of sentiment and of etiquette often play an important part both in matters of social intercourse and in their dealings with members of the ruling race. People feel often hurt and insulted when their rights to precedence are even unintentionally meddled with or ignored. Moreover these chiefs generally travel with large retinues and any trip undertaken by them to the place where the members are invited to assemble would be a source of burden to the finances of the State for which there is no adequate recompense whatsoever. Few, if any, of the ruling chiefs who were invited to the Delhi Darbar were pleased with the reception that was accorded to them there and it seems to me that a frank interchange of views will amply testify to the fact that ruling chiefs as a rule are not willing or anxious to associate themselves with territorial magnates in the discussion of Imperial questions or to be called away from the territories which they govern whenever and as often as the Government may think fit.

7. I am not in favour of these chiefs and nobles being consulted individually in matters of public interest. For any criticism to be effective, each member must be kept informed not merely of the views of Government but also of those of his colleagues similarly situated. Private communications made to selected individuals and often kept secret will not serve to dispel the cloud of suspicion which unpopular measures often generate and foster. Taking all the circumstances into consideration, it appears to me undesirable that ruling chiefs should be invited to become members of any Advisory Council proposed to be constituted.

8. If then, an Advisory Council is to be constituted at all, I am of opinion that such councils would be of little use, unless with the zamindars and other territorial magnates are associated councillors representing the small landholders, industry, commerce, capital and the professional classes. Our zamindars were till quite recently the least educated and the most backward of any class in India and their opinion would be of little use in the very many cases in which reference to public opinion may be considered necessary. If, therefore, to the zamindars are added the classes mentioned above and non-official Europeans wherever such can be had, there will be a council constituted whose opinion would be entitled to weight and would be listened to with respect.

9. I do not think that the object the Government have in view will be served if the duties assigned to the Advisory Council are only such as are mentioned in Sir Harold Stuart's circular. I have already pointed out the desirability of calling together the council for collective deliberation instead of consulting the councillors individually by means of letters addressed to them. In all constitutional Governments. opportunities can always be found where parliaments or legislative assemblies sit of interpellating the executive on matters of interest and obtaining information on questions which affect the public at large. Where the assemblies do not sit, no provision exists by which such information can be obtained except perhaps by means of letters addressed to the responsible minister of the Crown. This always entails delay and even when obtained the replies are often found not entirely definite or satisfactory. In the case of the Provincial and Imperial Governments, it has been pointed out in the circular that very few opportunities exist for interpellation owing to the fact that the Members of the Legislative Councils are called together only when the budget has to be discussed or legislation is impending. How then could the creation of these Advisory Councils enable a freer and a closer consultation on matters of importance? These councils are not to be called together unless the Government so desires and I take it that they will not be called together except on very rare occasions. The communications with members are strictly confidential and these members have no powers of initiative. In these circumstances, it is utterly impossible that these bodies can be better placed than the old Legislative Councils in making the Government's measures and motives generally understood and in correcting erroneous and mischievous statements of fact or purpose imputed to them. So far as legislation is either proposed or undertaken, the motives and intentions actuating Government are capable of explanation when the Legislative Councils meet. An Advisory Council will be needed only for the purpose of eliciting opinion as to administrative reforms proposed or contemplated. The administration of the country almost in every province is getting more and more rigid and stereotyped and occasions when large measures of reform are brought up for public discussion will be few and far between. If Members of the Advisory Councils had powers of initiative, if they could bring to the notice of the Government cases of hardship and abuses of administrative power, and suggest schemes and measures by which administrative efficiency could be secured or effectuated, they would play an important part in the administration of the country; but this, the scheme does not, in my opinion, provide for. So long as no responsibility attaches to the members for their individual opinions, as long as Government are free not to act even on their collective deliberations, there is a chance of these assemblies when called together degenerating into mere debating societies. It seems to me, therefore, that the scheme as at present proposed has very little to commend it for public acceptance. I do not thereby mean that the scheme should be given up. It is conceded that the zamindars and territorial magnates, even if they are not the natural leaders of the people, have a stake in the country which eminently fits them for consultation in matters of administrative reform. There are non-official Europeans who have sunk their money in various enterprises and who, though working for their own profit, are interested in the proper administration of the land of their domicile. There are again, the small landowners and the professional classes who are equally interested with the territorial magnates in the permanency of the British rule and in the administration of the country being made more popular and efficient. A combination of these elements would pre-eminently supply material for the formation of an assembly not merely for consultative but for administrative purposes as well. An alien Government suffers from great disadvantages in that it often finds difficulty in ascertaining the people's wishes or in making its own intentions and purposes fully understood. An assembly constituted of classes, such as those above described, would be of great help in the carrying on of Government on popular lines. Such an assembly must therefore receive legislative sanction. Its deliberations, in order to be useful or effective, must take place at a central locality and the assembly should be called together as often as circumstances require. It should have a voice in the administration of the Indian Empire such as the Government may not lightly or summarily ignore and for this purpose provision should be made for the Government being bound to act upon its resolutions when a large and decided majority, such as 75 per cent. of its members, advise on a particular course being adopted. If ruling chiefs are to be admitted to the membership of such an assembly, such an assembly would afford a striking and perhaps the only parallel to *the Bundesrath* or Federal Council of Germany where a congeries of states carry on a common government by a federated council. To such an assembly might be entrusted initiation in matters both of administrative and legislative reform. All proposals for legislation will, in the first instance, come before this assembly and, if approved, will be brought before the Legislative Councils in due course for disposal. So far as administrative proposals are concerned, the matters will be disposed of by the assembly itself and will then go before Government

for such action as it may desire to take. I do not feel pressed by the argument advanced in some newspapers that such an assembly would be a second House of Lords and obstruct progress. In India, a democratic Government, in the strict sense of the term, is for years to come an utter impossibility. If therefore an alien Government has to be in touch with the people and has to ascertain and compatibly with its own duties and responsibilities, to give effect to its wishes, I can conceive of no fitter assembly to offer counsel and advice than the one composed of territorial magnates and of capitalists and the professional classes such as I have enumerated. I would also add that the rule in the German constitution might with advantage be followed, that no person should be a member both of the Advisory Council and also of the legislative body constituted under the Indian Councils Act.

10. The same remarks apply to the Provincial Advisory Councils, but here it is satisfactory to note that the smaller landholders and the professional classes are intended to be included also. A high property qualification either for the zamindars or for the other classes is certain to debar the most capable persons from becoming members of this assembly and it is necessary to so fix the qualifications as to allow a fair representation of all the important interests. It would, in my opinion, be advisable also to fix the proportion in which the various landed and other interests should be represented in this assembly and in order to make the representation of the various classes useful and effective, I would suggest the desirability of having a representative in this assembly from each revenue district in the presidency to be supplemented by a sufficient number of members belonging to the professional and other classes for the whole of the Presidency put together.

11. I think it is desirable, in the case of both the Imperial and the Provincial Advisory Councils, that the minutes and proceedings of the assembly should be regularly published unless the exigencies of the administration require that the opinions and decisions on any particular question should not be available to the public at large.

12. I have so far dealt only with the proposals of the Government of India in regard to the constitution of the Advisory Councils and have suggested various improvements by which the said council may be rendered beneficial and useful. Side by side, with the proposal for the constitution of an Advisory Council is the scheme for the enlargement of Legislative Councils and having regard to the difficulties encountered in providing the proper electorates and allowing proper representation to the various classes while keeping the official majority intact, it may be useful to consider how both the assemblies can be so organized as to become useful members of the Indian body politic. I have already stated that I consider it essential that in any question of reform a provision for the maintenance of the executive authority of Government is absolutely necessary. The only question, therefore, that is open to consideration is, how best to improve the system of administration while keeping unimpaired the executive authority of the paramount power. Does the maintaining in undiminished strength the authority of the British paramount power necessarily involve that the Government should have a preponderance of the official element in the Legislative Councils of the country? That is the question on a proper solution of which much of the well-being of the inhabitants of this country will mainly depend. In paragraph 10 of their circular, the Government of India point out that the maintenance of a standing official majority and the difficulty of providing official members of the requisite standing and experience when there is a likelihood of larger calls than hitherto being made upon their time renders it necessary that the number of non-official members should be largely limited. It is evident that when the number is so largely limited the problem stares one in the face, how with the small number of seats at the disposal of Government, provision can be made for the representation of the vast diversity of classes, races and interests in a country containing a population of nearly 300 millions. The question is not easy of solution but I venture to make the following suggestions with a view that they may receive such consideration as the nature of the subject requires and demands.

13. It is the privilege of every civilized country that the laws enacted therein should have the sanction of the people for whose benefit they are intended. Governments, however autocratic they may be, have often hesitated about enforcing laws which the whole population has unmistakably condemned. Even in a country like India inhabited by divers races and creeds the Government have never persisted in enacting laws which the community, as a whole, has disapproved of. Except in exceptional cases, no laws have been within recent times sought to be added to the statute book where the opposition to the measure has come from the non-official members acting together as a whole. It is clear from these circumstances that the enacting of the laws should be left to the people for whose benefit it is intended and against whom it is likely to be enforced. If this is so, there will be no necessity whatsoever for the Government being represented in the Legislative Council or for its possessing an official majority therein. How then could the Government control legislation and put a veto on undesirable measures? The remedy lies in the constitution of a separate chamber similar to the Bundesrath or the "Federal Council of the German Empire" in lieu of the Advisory Council suggested in the memorandum. The powers of these Council are very well defined and will in the case of an Indian Council include deliberations on proposals to be submitted to the Legislative Council and on all resolutions received therefrom. I would give to these Councils the power by a simple majority to veto any Act which the Legislative Council may have passed and would besides allow

them to deal exclusively with all questions of administrative reform if not also of the military and naval defences of the Empire. If such a Council be constituted, there should be an official, and a preponderating official majority, therein. Such a Council need not be a large assembly and some of the ruling chiefs and a few of the territorial magnates might well find a place in such an assembly. I would fix 20 to 25 members for a Federal Council of the Empire and of these I would assign 6 to 8 seats for the ruling chiefs, territorial magnates and other people whom Government may deem fit to appoint. I would allow no seat in this assembly open to election and I would have all the seats filled in by His Excellency the Viceroy, having regard to the various interests which have to find a place in an assembly such as I have mentioned With the constitution of such an assembly, the necessity for an official majority in the Legislative Council would entirely disappear. Provision may be made for an ordinance having the force of law being framed and promulgated by the Federal Council to meet the requirements of any extraordinary emergency which may arise when it would be difficult either to call together the Legislative Council or the Legislative Council is unwilling to legislate on the lines which the executive Government may suggest. If this course be adopted, the Legislative Council may, by the articles of the constitution, be debarred from dealing with questions of foreign policy or with the military and naval defences of the Empire. It will have nothing to do with the relations of the Government with feudatory chiefs and will confine itself solely to questions of internal reform and to the enacting of laws dealing with the domestic legislation of the Empire. In such a case the Legislative Council may be as large as the circumstances of a vast empire such as ours would seem to necessitate. Provision could then be satisfactorily made for a just and proper representation of all classes of the community and of all interests involved. There is nothing to prevent the members of the Viceroy's Executive Council also being members of such an assembly and it would, to some extent, be desirable that the meetings of such a body should be presided over and the course of its deliberations assisted and directed by the presence therein of high officials of wide experience and responsibility. Such an assembly would have itself very large responsibilities and would, if judiciously directed, be a source of strength to the paramount power in this country. I do not think that it can be said that the time has not come when an experiment, such as this, can be made. No serious loss of prestige can accrue from such an assembly being constituted. It will be an immensely popular step. The members of this assembly will in the main be elected members and provision can be made for the representation of minorities, if any.

14. If, however, the constitution of a Federal Council such as the one that I have referred to be found to be impracticable, the Advisory Council may be improved in the manner already suggested. With regard to the Imperial Legislative Council, though the increase of the number of members to fifty-four is satisfactory, I think a further increase is feasible without impairing its efficiency. Of the fifty-four members proposed for the Council, only 18 or one-third will be elected members and the classes represented therein will be Europeans, who will probably occupy 33 seats and more, and Hindus and Muhammadans who will occupy the remainder. So far as the various interests are concerned, besides officials, who occupy 31 seats, the remaining 23 seats will be filled, 2 by commerce and trade, 8 by the great landowners and ruling chiefs, and 13 by the other classes, communities and interests put together. It does not appear to me that this will be a fair representation of the various interests and classes with which this country is concerned.

15. In the case of *Muhammadans*, the scheme provides for four seats at least being filled by them. Then there is the probability of two Muhammadan gentlemen being returned by the Legislative Councils of East Bengal and Assam and of the Punjab. There is also every chance of the landholders of the above two provinces electing two other Muhammadans. Thus there is a likelihood of the new Council consisting of about eight Muhammadans as against thirteen allotted to all the other Indian communities put together. The total Muhammadan population of India being about a fifth of the whole, a representation of eight members in the Legislative Council out of twenty-one provided for all classes other than Europeans seems unduly large and the Government of India assigns no sufficient reasons why this class should be favoured in the Legislative Councils to the detriment of all the rest.

16. It is not so much the giving of the additional seats as the principle underlying such gift that is open to serious objection. "Divide and rule" has never been the policy of the British Government and I do not hope it ever will be. Ever since the possessions of the East India Company were transferred to the Crown, the British Government in India has treated every race and creed with equality and has enacted laws which apply to all alike. Under its auspices a love of country and almost a national unity is springing up and under the influence of the same laws and the same system of Government Hindus, Muhammadans, Christians and Sikhs are feeling a community of interest and experiencing a feeling of kinship such as has never been dreamt of in India's previous history. In these circumstances, it is anomalous that an attempt should now be made to set up a class or creed representation. If Muhammadans are separate from the Hindus, so are many castes amongst the Hindus separate from each other. There are the Sikhs, Rajputs and Jats who differ as much from the other classes of the Hindus as the Hindus differ from the Muhammadans. Is there a provision for the separate representation of these classes or of the large body of Parsees or of Native Christians whose numbers are steadily increasing year after year? Even amongst the Muhammadans, there are communities such as the Mappillas, the Khojas and the Cutchi Menons who have nothing

in common with the other classes of Muhammadans and it would serve no useful purpose to give a few seats to Muhammadans when such seats will not suffice even to represent all the various classes into which the Muhammadan community is divided and where no provision is made for the representation of minorities even amongst them. It appears to me that there is no justification for a class representation of this sort and that the principle underlying it ought not to be followed in any country, much less in a country like India. Nor do I see any necessity for this sort of separate representation. From 1833, when the first Legislative Council was duly constituted for this country, to 1906, 1,725 Acts have been passed by the Governor-General's Council, but there is not a single Act in the whole collection which applies to the Muhammadans as a body and which does not apply to all the other classes inhabiting this vast continent. If there was a prejudice against the Muhammadans on the part of the other classes of the people, I can understand provision being needed for the separate representation of this community. The election of a Muhammadan gentleman from Madras to the Imperial Legislative Council shows how cordial is the feeling between the various classes of the people in the south. I can mention many instances in this part of the country of the election of Muhammadan gentlemen by the Hindus and other communities to Municipal and other Boards. The circumstance that a larger number of Muhammadans do not secure places in the Municipal Councils and District Boards as also in the higher Legislative Councils is due to the fact that education has not much advanced in this community and that the community as a whole is very much behind the times. Except in East Bengal and Assam where a feeling of ill will has recently been generated by interested parties, between the Muhammadans and the Hindus, there are no localities where the two communities do not get on peacefully and amicably. I would, in these circumstances, consider it inexpedient that a certain number of seats should be reserved to the Muhammadan community in particular.

17. If, however, the Government should insist on a certain number of seats being reserved for the Muhammadan community, I would suggest that arrangements should be made, for elections by the landlords, and Chambers of Commerce, etc., taking place in the first instance and if a sufficient number of Muhammadans are not thereby returned, to take the requisite steps to have a proportionate number of Muhammadans added to the council by means of election in such specified areas as may be found practicable. In any event, no Muhammadan gentleman should be appointed to the council by nomination and in this respect I entirely agree with the Muhammadan deputation that waited on the Viceroy in October 1906 in thinking that nomination has never given satisfaction to the Muhammadan or any other community. I do not share the apprehensions entertained by the Government of India that Muhammadan gentlemen of position and respectability would not offer themselves for election if all the seats were thrown. It is these election contests that serve to test the capacity of a person to take part in political affairs. If a person wishes to lead a secluded life, to keep his opinions to himself and is afraid to approach the electorate and make them understand and appreciate his position, status or views, such a man is scarcely worth having in the Legislative Council, where he has to rub shoulders with his colleagues and make his views acceptable to a trained and intellectual corporation.

18 The difficulties of Muhammadan representation are further complicated by the electorate being such a large country as the whole Indian Peninsula. The Government suggests in paragraph 18 that six of the provinces should be asked to select the two elected Muhammadan members in rotation. This would allow of each province getting a representation on the Imperial Legislative Council once in 15 years and would be very unfair to every province concerned. It would also debar Burma or the Central Provinces from ever sending a Muhammadan delegate though capable men be available and though questions of importance affecting these provinces be pending disposal by the Imperial Legislative Council. If, therefore, Muhammadans have to be given a separate representation, the proper course to be adopted is to divide the country into electorates and to increase the number of seats to enable each province being represented at the same time. Taking the Muhammadan population of the country at 60 millions, I would assign to them six seats and of these six seats, I would allot three seats to East Bengal and Assam and to the Punjab which together contain about one half of the whole Muhammadan population in the Peninsula. I would divide the remaining provinces including Burma and the Central Provinces into three electoral divisions and would allow each one of these electoral divisions to send up one member to the Legislative Council of the Government of India. The persons referred to in paragraph 17 of the Government of India circular would appear to be the proper persons to whom the privilege of electing members may be rightly entrusted.

19. With regard to the election of members to the Legislative Council of the Government of India, a suggestion is thrown out in paragraph 18 of the Government of India circular that the Muhammadan members of the local Legislative Councils may elect the member to represent their community in the Imperial Council. In many local councils, the number of members representing this community will probably be one and may not exceed three. That a single individual of the local council should constitute the electorate to nominate and elect a member for the Legislative Council of the Government of India is so preposterous that I hope that the suggestion will never be acted on. In the case of the election by the non-official members though the present practice is not wholly unobjectionable there is this much to be said in its favour, that the election is by all non-officials of whatever race or creed and that with the enlargement of the Provincial Councils this electorate is likely to become both large and representative.

20. The question of special representation does not end with the representation of the Muhammadan community but it would further appear that the Government intends to give a specified class of landholders direct representation in the Legislative Councils of the Empire. The idea is to form for each province an electorate of about 150 members and for this purpose to restrict the right of voting to all who pay a land-tax of Rs. 10,000 and upwards. It appears to me open to question whether the landowners of the class specified are entitled to direct representation. Taking the Madras Presidency alone, I doubt very much whether outside the zamindari class, there are ryotwar landholders paying a cist of Rs. 10,000 and upwards. These may be a few here and there, but the number of such people can be counted on one's fingers. Consequently a representation of this class means a representation of the zamindari class alone. Taking it for granted that a representative zamindar will properly represent the whole class of zamindars, high or low, it is anomalous that no provision should be made in the circular for the representation of the far more important class, the ryotwar holders of land. In this part of India, the zamindars pay approximately 50 lacs peshkash to Government whereas holders of land under ryotwar pattas pay as much as 450 lacs. Yet no representation is intended to be given to this large class on whose prosperity and contentment, the stability and permanency of the paramount power in this vast empire depends. In Bombay, the conditions of the agricultural classes are similar to those obtaining in Madras and it is only in Bengal and North-West Provinces where the Permanent Settlement of Lord Cornwallis is in force that the zamindars pay a large portion of the land revenue directly to Government. Even here if the landlords deserve any consideration, the tenants and farmers under them deserve equal consideration, and no attempt is made to give this class a voice in the councils of the empire. Moreover, all laws relating to landlord and tenant are now dealt with by the local legislatures and there will be no special legislation in the Imperial Council which would affect the land-owning class alone and not the other classes of the community as well.

21. Connected with this question of landlord representation is the constitution of the electorate by which the representative has to be chosen. I have already pointed out that restricting the privilege of electing to those paying Rs. 10,000 and more will virtually give representation only to the bigger zamindars of this Presidency. In paragraph 9 of Government of India circular, it is said that in order to supply the requisite counterpoise to the excessive influence of the professional classes, the creation of an additional electorate recruited from the landed and monied classes was desirable. In the arrangements finally suggested, however, no provision exists for the representation of any but the biggest landholders. The landholding class may constitute one of the stable elements of Indian Society, but there are other stable elements which require and are entitled to representation, namely, the monied class (the bankers, sowcars and others) and persons who have suck their capital in industrial and other pursuits and who thus are more interested in the permanancy of the British rule than the landed classes can ever be. It seems to me therefore that the landed classes have not made out any case for separate representation and that a high property qualification will tend not merely to confine the representation to a limited class but will also deprive many districts and large areas of any representation whatsoever. In theory, no doubt, it is true that 68 per cent. of the total population is engaged directly in agricultural operations and that including labourers and others about nine-tenths of the population in rural areas live directly or indirectly by agriculture. It may be readily conceded that this large population should have representatives to safeguard its interests in the Legislative Councils, but this will, by no means, be secured by giving the right to elect to a few members of the zamindari class. It appears to me that for representation to be real or effective, there must be a larger number of seats thrown open for election and that the electorate must be both wider and more representative. In this connection I wish once more to reiterate what has already been pointed out that the scheme now contemplated does not provide for sufficient representation of the smaller landholders, of the professional classes, of the industry, commerce and capital of the country. There are two seats allotted to the Chambers of Commerce of Calcutta and Bombay but these will represent only the European merchants of the two places. The whole body of native gentlemen engaged in industrial and other pursuits go therefore entirely without any representation whatsoever. In modification, therefore, of the proposals of Government, I would throw open not less than four seats to each province to be filled up by election. The electorate will consist of those mentioned in paragraph 17 of the circular and in the case of the landholding class, I would restrict the vote to those who pay land revenue of Rs. 1,000 and upwards. If the presidency is divided into four electoral circles, there will be no larger number than 1,000 in each electorate entitled to vote for representatives. This number of voters is by no means a large number and it must not be forgotten that in many election contests in England, 10,000 voters and more have gone to the polling booth to record their votes in favour of the various candidates. Such an arrangement will enable not merely the agricultural classes but also the trade and commerce of the country to have direct representation in the Legislative Councils, and would, if adopted, obviate the anomaly of representation being confined to select classes such as Muhammadans or landholders or of that small body of gentlemen who will be elected as non-official members of the local Legislative Councils.

22. There is one question of principle involved in these proposals about which a few words have to be said. In paragraph 9 of the circular, the Government of India point out that the election hitherto held had given to the legal profession a prominence to which it is not

entitled. In paragraph 14, it is laid down that the person nominated by the landholders should himself belong to it. It is clear therefore that while allowing representation to a class of people, the Government have restricted their right of choice and confined it within very narrow limits. Such a provision seems altogether to be uncalled for. If the Government of India circular had been issued by a body of persons, with no knowledge or experience of representative institutions, such a provision restricting election may not be either strange or unnatural. It is the privilege of each individual that he should be at liberty to employ for any particular purpose, the person, who, in his opinion, would be best fitted to achieve the end he has in view. This is the principle we adopt in ordinary transactions of human life and why should the case be otherwise in politics? If a person is otherwise qualified why should he be debarred from being elected by the landowners, simply on the ground that he does not belong to their class. Though it is most probable that an electorate consisting purely of landowners will elect some one of their number, I think they should not be prevented from exercising their choice and selecting a competent man from amongst the whole body of persons competent to sit in the Legislative Council. As regards the preponderating influence which the lawyers are credited with exercising, nothing further need be said than that they are eminently fitted by their environments, and training to sit in the Legislative Councils of the empire and examine the validity or otherwise of the various measures coming up for disposal before the Imperial as well as the Provincial legislatures. That members of the legal profession exercise an influence out of proportion to their numbers is patent from the large number of Barristers and Solicitors of which the present House of Commons is composed. Why, the present cabinet is full of members of the profession to which any gentleman of position and respectability should be proud to belong. If the Government want a free and honest criticism of its policy or its measures, the Government may rest assured that the only classes from which in the present circumstances of the society, such criticism can be expected, are the members of the legal profession and editors of well conducted Indian and Anglo-Indian newspapers.

23. The circular of the Government of India makes suggestions for the guidance of Local Governments in the procedure to be adopted by them in constituting their own legislatures. One finds it difficult to read this part of the circular without pain or regret. Ever since the Universities were established in the country and English education began to permeate the lowest strata of society, every right thinking man has been employed in devising ways and means for breaking down the barriers which separate class from class and yet here is an enlightened Government who for political purposes, tries to undo the work of half a century and stereotype those differences which have been the bane of the country and have necessitated the people being subjected to foreign domination for a thousand years and more. The instructions, as a whole, are unsuited to the present circumstances of the country and no language is sufficiently strong to condemn the policy which lies underneath those instructions. I trust that the Local and Imperial Governments will not, by any action on their part, perpetuate race or caste rivalries or throw obstacles in the way of all those true patriots who have been for years working hard for the furtherance of social reform on proper lines.

24. As regards the discussion of the budget, I have no doubt that the proposals of the Government are calculated to give the members of the Legislative Councils larger opportunities of discussing the financial policy of the Government than they have hitherto enjoyed but any amount of criticism would be of little consequence unless the members are further empowered to propose amendments or alterations and to divide the council on each and every item which they may consider unnecessary or undesirable. That this is a reform which might be easily brought about, goes without saying and I trust the Government will be pleased when the regulations are finally settled to embody therein a provision giving liberty to members of council, official as well as non-official, to suggest amendments and to obtain the council's decision on every proposal which they may make for the alteration or modification of the financial policy of the Imperial and Local Governments.

25. I have so far dealt with the various proposals contained in the circular of the Government of India and it is necessary before concluding my remarks to recapitulate the various suggestions which I have made in the preceding paragraphs of this letter. These may be briefly summarized as follows:—

(*a*) Instead of the Imperial Advisory Council it would be desirable to have a small *federal council*, in which the Government will have a large majority and which will consist of officials and of 6 to 8 non-officials selected by His Excellency the Viceroy, from amongst the ruling chiefs, territorial magnates and such other classes as may be entitled to representation.

(*b*) Such a council will be solely entitled to dispose of all questions of administrative reform and will be further entitled to deliberate on all questions to be submitted to the Legislative Council and on all resolutions received from that body.

(*c*) In the event of such council being established, the Legislative Councils may be very largely expanded so as to allow of the representation of all classes of the community and of all interests involved.

(*d*) In the case of the Imperial Advisory Council, if such a council should be established, provision should be made for the representation of, not merely, the landed aristocracy but of the professional and monied classes as well. It should not be consulted individually but should be called together as often as occasion requires, should receive legislative recognition, and should have the power of initiative and the liberty to draw the attention of the executive to administrative abuses and shortcomings.

(*e*) The Imperial Legislative Council should be further expanded to provide for a large representation of the various classes and interests.

(*f*) The principle of giving separate representation to the landowning classes and to Muhammadans is inexpedient and uncalled for.

(*g*) That in case such representation is allowed, each province should be divided into electoral areas and a direct representation from each such area should be insisted upon.

(*h*) In addition to the big landowners and Muhammadans, the small landowners, industry and capital of the country and the professional classes should also be entitled to representation in the Legislative Councils.

(*i*) No class of the community whether Muhummadans or landowners should have a representation in the councils out of proportion to their actual numbers in the country.

(*j*) No body of persons entitled to return members to the council should be restricted in the choice of persons whom they are entitled to return.

(*k*) The suggestions for the constitution of the Provincial Legislative Councils are inadvisable and uncalled for.

(*l*) The members of the various legislatures should have power to propose amendments to the budget and to divide the council on every item, which they may consider objectionable.

26. I will now deal very briefly with the views expressed by the Madras Government as regards the constitution of the local Legislative Council.

27. As regards the Provincial Advisory Councils I think the number may be fixed at 35 to 40 in order to give full and proper representation to all classes concerned. I would give one member to each district and reserve the rest for affording adequate representation to trade, industry and capital, to the professional classes and to important minorities, if any. The members will be nominated by His Excellency the Governor. I would lower the property qualification needed for membership in order that landlord representation may not be confined to the class of zamindars alone who pay a large peishcush. I would insist upon the members of this assembly being called together whenever occasion may arise and think it desirable that their proceedings should ordinarily be published in the official gazette.

28. I do not think that the number of non-official members should be restricted to 17 and I think they may be safely fixed at 35, having regard to the various interests which require to be represented in the council. In this connection it is necessary that attention should be drawn to paragraph 21 of the Government of India Circular in which it is pointed out that the Government does not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years. The proposals of the Government of Madras do not provide for any representatives being elected by the Municipalities and District Boards and no reason has been assigned why these public bodies should now be deprived of the privilege which they had enjoyed continuously since 1893.

29. In dealing with the suggestions of the Government of India I have already pointed out that the provision for the separate representation of classes and creeds is objectionable and retrograde. The proposal for the separate representation of Brahmans, Native Christians, and other castes shows to what lengths the suggestions can be carried and how absurd it looks to an Indian if applied to practical politics. If parliamentary institutions such as those that prevail in England and other western countries are unsuited to the conditions of this country, it does not necessarily follow that the very opposite of the principles which prevail there should be foisted and experimented upon here. Where parliamentary institutions prevail, territorial representation is the rule and every electorate consists of all the voters entitled to exercise their votes within that particular area. The same principle has been applied in Municipal elections in this Presidency and has been found to work well. It seems to me that it will be a wholly retrograde step to go back upon these principles and now try to experiment upon theories unsuited to the present needs of the country and obnoxious to the wishes of its inhabitants. It ought not to be the policy of any responsible Government to set class against class and to perpetuate differences which every body regrets and condemns. Now, going to the details of the representation intended to be given, it appears that one seat is proposed to be given to the Brahmans, another to Native Christians, and a third to the Muhammadans. It will be seen from the census report of 1901 that while the Christians and Brahmans are nearly equal, Muhammadans are twice as numerous as either, and yet only one seat is thrown open to each one of these communities As regards the rest of the communities only six seats are reserved while they are entitled to nearly eight. The intention of the Government of India in providing

for caste representation is stated to be, to prevent some of the classes being elbowed out by the predominant sections of the population. Now Brahmans, Native Christians and Muhammadans are members of very coherent and exclusive communities able to take care of themselves and to assert their voice whenever occasions may arise. It would seem therefore that it is the remaining portion of the population which requires to be looked after, and whose representation has to be specifically provided for. There are over 400 sub-castes amongst the classes of Hindus other than Brahmans and each of these form by themselves exclusive communities not interdining or intermarrying with each other, and separated by differences which are as vital and permanent as those which separate some of the major castes. It would be impossible in the nature of things to provide for the separate representation of each one of these sub-castes and if therefore some of these castes have to be grouped together, I do not think there is anything illogical or unnatural in considering the whole of the Indian population as a body and giving them direct representation suited to their needs and conditions. I think therefore that the only system of representation which has the least objection is territorial representation and I would therefore strongly advocate that each district should form a separate electorate in which all the voters should together elect a single representative. If this system be adopted, there will be 25 seats for the 25 districts now existing or contemplated, four can be allotted to Madras and four seats can be reserved to be filled up by nomination, so that minorities can be properly represented. This will give 33 seats to non-officials and I do not think the numbers are large, having regard to the area of the Presidency and the interests which have to be represented in the Legislative Council. If this, however, should be found impracticable, I would club two districts together and in such a case, I would distribute the seats as follows :—

(*a*) To be elected by voters in each two districts	13
(*b*) By the citizens of Madras	1
(*c*) By the Senate of the Madras University	1
(*d*) By the European Chamber of Commerce	1
(*e*) By the Indian Chamber of Commerce and Trades Association of Indian merchants and shopkeepers	1
(*f*) By groups of Municipalities and District Boards	4
(*g*) By the zamindars, proprietors, etc., if they are not otherwise adequately represented by the district candidates	2
(*h*) To be reserved for representation of minorities, Muhammadans, Christians, etc., if otherwise unrepresented	2
Total ...	25

I consider this a fairly workable scheme, if each district is not to have its own representative in the Provincial Legislative Councils as already advocated.

30. A few words only need be said as regards the qualification of the electorate and the limitations imposed on the choice of a candidate by the electorates concerned. I have, in another portion of this letter, dealt adequately with the question as to how far it is proper to limit the freedom of choice which an electorate is to possess. Why should the Muhammadans or Native Christians be prevented from selecting a zamindar or a barrister, if he is a properly qualified person and why should the zamindars or barristers be prevented from exercising their free choice in selecting whom they may think fit to represent them properly. So far as these restrictions are concerned, I would wholly remove them from the body of the rules proposed. As regards the property qualifications, I think in every case the payment of income-tax on Rs. 5,000 or the possession of income of Rs. 5,000 per year a very high standard to fix and will give representation to an infinitesimal fraction of the whole community. I would fix the qualification of the electorate as follows :—

(*a*) All persons paying income-tax.

(*b*) All persons paying Rs. 1,000 as shist or rent or enjoying an annual income of Rs. 1,000 and upwards.

(*c*) All graduates of any recognised university.

As regards the zamindari class, the insisting of a payment of peshkash of Rs. 20,000 will vest the right of choice in a close corporation consisting of thirty to forty persons and will prevent competent men being selected to represent the land-owning class. I would reduce the amount, to the payment of assessment of Rs. 5,000 and upwards or the receipt of an annual income to that extent. This will give representation not only to zamindars but to large owners of land under the ryotwar and other tenures.

31. I think, having regard to the present state of education in the country and its future possibilities a literate qualification should be insisted upon, in the case of each voter, and I do not see that proper reasons are shown why the Government of India's suggestions in this respect should be considered inapplicable to the circumstances of the only Presidency where education has been making such rapid strides.

XVII

Letter—from P. A. Booty, Esq., I.C.S., Acting Collector of Chingleput.
To—the Chief Secretary to Government.
Dated—Saidapet, the 12th March 1908.
No.—Ref. 978 H. B. & G. of 1907.

With reference to paragraph 2 of G.O., No. 886, Public, dated 22nd November last, inviting opinions on proposals for the formation of Advisory Councils and for the enlargement of Legislative Councils, I have the honour to forward herewith the opinions of the gentlemen noted in the accompanying list who were consulted in the matter and to state as follows.

2. *Imperial Advisory Council.*—It is proposed that this council should consist of twenty ruling chiefs and a suitable number of territorial magnates to be chosen from every province. The majority of the gentlemen consulted are of opinion that ruling chiefs would not care to sit in council with others of lesser degree even though territorial magnates, but that they might like to form a council of themselves under the Presidency of the Viceroy or a Lieutenant-Governor. Also that they are not sufficiently advanced to be conversant with the principles and details of British Administration, and having held themselves aloof for so many generations they are not the recognised leaders of the people, so that their Diwans would be more suitable men. I am not aware of the qualifications of the gentlemen consulted to speak on the subject of the ruling chiefs, and my own opinion is that the matter should be left to those who have personal knowledge. The Imperial Advisory Council is to be consulted by committees or by individuals and if the advice of the ruling chiefs is utilised for frontier or inter-state policy, famine administration or other questions of Imperial interest, the advice of other councillors can be taken for internal politics and there will be no question of the two sections sitting together. I am of opinion that if the Government of India is supported by such a council there would be less room, even though the difference may be small, for the misrepresentations of political agitators.

3. As regards the remaining forty members who are to form the council, they may be selected proportionately from all the provinces. In addition to the territorial magnates, others who may have attained to eminence by commerce, industry, or planting, and have a substantial interest in the welfare of the country, besides retired Government servants who have held high office, may be selected as opportunity occurs.

4. *Provincial Advisory Council.*—Opinions upon this subject are varied, but the general drift of opinion seems to be a district representation, some suggesting one member from the zamindars or landholders class and another from the mercantile, industrial and other classes. My own opinion is that though the appointments will naturally be made as nearly as possible from all parts of the Presidency equally it would be politic to declare certain geographical areas to be represented, so that the people may know definitely who is their councillor, and these areas should not be too extensive or one councillor cannot possibly obtain the confidence of all the inhabitants. The Presidency might be divided into Circars, Deccan, Carnatic, Central South and West Coast, with two members for each, one representing the landholders and the other representing industry, education or such other interest as preponderated in that area. The remaining number could be made up from Madras City and special communities, such as non-official Europeans, Missionaries, retired officials and Muhammadans. The masses are best represented by Government officials as they cannot appoint one of themselves to represent them against their natural enemies, and they will remain unvoiced in the Advisory Council. There is at present no question of making any portion of the council elective, and most of the gentlemen consulted are of opinion that nomination by Government is the best course.

5. *Imperial Legislative Council.*—The majority of gentlemen consulted would omit the ruling chief from the list given in paragraph 12 (2) of the letter from the Government of India and would substitute an elected member of the Madras Chamber of Commerce. The misgivings expressed in paragraph 15 are quite substantial and it is not probable that so large and heterogeneous an area as a Presidency can form a satisfactory constituency. It would be quite impossible that the merits of the rival candidates could be known to the majority of the voters, and the election would probably resolve itself into a question of which man was most widely known. Such

a small electorate as 100 or 150 would lend itself to the machinations of wirepullers though it is not advisable to make the franchise too low as this would open the door for bribery and corruption. I think the best result would probably be secured by a method of district voting delegates, the delegates elected by the respective district electorates meeting together in the Presidency town to nominate their candidate.

6. The difficulties of election apply with greater force to the selection of the few Muhammadans suggested, and nothing remains apparently but nomination.

7. *Provincial Legislative Councils.*—The scheme suggested by the Government of Madras is in paragraph 6 (*a*) of G.O., No. 886, Public. The principal criticism is that selection by castes or creeds is a mistake as likely to accentuate racial differences and caste distinctions which are now beginning in a small degree to be bridged over. The majority is in favour of a territorial representation and I agree with it. Under any form of general franchise, however, Christians and Muhammadans will not be elected and it will be necessary to separately provide for them. There should be one elected Muhammadan in the Council and a special Muhammadan electorate should be formed for his election. The Native Christians are increasing in numbers and influence yearly, but they are still too few and too poor to be entitled to a representative from amongst themselves. The Native Christians of the West Coast are of course a separate class, and are of sufficient wealth and standing to make their influence felt in the election of a territorial representative. Excluding them, I am of opinion that the rest would be best represented by a European missionary amongst the nominated members. Such a gentleman would also be able along with the official members, to speak for the voiceless millions who are not represented, and give valuable advice upon questions of education. The provision for a Brahman representative is quite unnecessary as there are sure to be as many Brahmans under the other sections as will more than give due representation to the community.

8. One of the most important questions is the extent to which the legal profession is to be admitted as representing the people. I understand the sub-paragraphs (*b*) and (*c*) (3) to be intended to restrict such representations, for under them there could not be more than three members of the profession in the Council, whilst ordinarily the member for the Madras Chamber of Commerce will not be a vakil. Considering the large proportion of this class in the past and the amount of influence which it wields, I am of opinion that this will be going to the other extreme. I do not think the gentlemen consulted can have seen the true effect of these clauses for they have made no comment upon them. I must admit that I have not studied proceedings in the Legislative Council, but I think that with only 2 or 3 Barristers or Vakils on the Council, the criticism of proposed legislation would not be as effective as it should be. I am of opinion that the restriction in sub-paragraph (*c*) (3) is sufficient without the further restriction that no person qualified under class (*d*) should be allowed to stand as a candidate in any other class. If this latter restriction is removed and members of the legal profession otherwise qualified under other classes, be allowed to represent those classes, then class (*d*) will be unnecessary.

9. For these reasons I would offer as a counter-suggestion that the Presidency be divided into eleven electorates as follows :—

1. Ganjám and Vizagapatam.
2. Gódávari and Kistna.
3. Guntúr and Nellore.
4. Bellary and Anantapur.
5. Kurnool and Cuddapah.
6. Chingleput, North Arcot and South Arcot.
7. Madras City.
8. Salem and Coimbatore.
9. Trichinopoly and Tanjore.
10. Madura and Tinnevelly.
11. Malabar, South Canara and Anjengo ; and that the seventeen non-official members be distributed as follows :—

(*a*) To be nominated by His Excellency the Governor	3
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the eleven constituencies	11
(*e*) Selected by Muhammadans	1
Total ...	17

The nominations by His Excellency the Governor could be used to counterbalance to some extent excesses of particular classes in the elections.

10. The qualification for the franchise should be a high one, and this will depend upon the separate enquiries which are being made by the Board of Revenue. I would tentatively suggest a payment of Rs. 1,000 assessment to Government, or payment of income-tax on an income of Rs. 2,000.

11. I very much regret the delay, but it is due to pressure of work on newly taking charge of this district.

ENCLOSURES.

List of persons who have been consulted.

1.	The Hon'ble the Nawab Muhammad Raza Khan, Bahadur.	M.C.S. (retired), Saidapet.
2.	The Rev. A. Andrew	United Free Church Mission, Chingleput.
3.	M.R.Ry. P. Thiagaroya Chettiyar Avargal.	Zamindar of Egathur, Tiruvallúr taluk, and Tiruvenkatapuram, Ponnéri taluk, and a resident of Madras.
4.	M.R.Ry. P. Ramanuja Chariyar Avargal, B.A., B.L.	Government Pleader and the Chairman, Chingleput Municipality.
5.	C. Gahan, Esq., B.A.	The Treasury Deputy Collector, Saidapet.
6.	S. M. V. Oosman Sahib Bahadur, B.A., B.L.	The Head-quarters Deputy Collector, Saidapet, since transferred to North Arcot.
7.	M.R.Ry. M. V. Narayanaswami Pillai Avargal, B.A.	Deputy Collector, Tiruvallúr division.
8.	Rao Bahadur K. Jagannadham Chetty Garu.	Retired Tahsildar and the Chairman, Municipal Council, Conjeeveram.
9.	M.R.Ry. J Venkatapathi Nayudu ...	Tahsildar of Conjeeveram.
10.	M.R.Ry. D. B. Venkatasubba Rao ...	Tahsildar of Madurántakam.
11.	M.R.Ry. R. S. Viswasam Avargal, B.A. ...	Headmaster, United Free Church Mission High school, Conjeeveram.
12.	The Rev. C. H. Monahan	Superintendent, Wesleyan Mission, Tiruvallúr.

ENCLOSURE No. 1.

Letter—from the Rev. A. ANDREW, United Free Church Mission, Chingleput.
To—the Collector of Chingleput.
Dated—Chingleput, the 20th January 1908.

I have the honour to reply to your letter No. 978/B & G. of 1907, dated 4th January 1908, requesting an expression of my opinion in writing on the several questions raised in memorandum No. 886, Public, of 22nd November 1907, regarding the formation of Advisory Councils and the enlargement of Legislative Councils.

I cordially approve of the aim of the Government of India in giving an opportunity to leading men of expressing their views on matters relating to the administration, and its more effective working. But a word of caution is necessary. The educated classes form a small proportion of the population, and they may by the advocacy of their claims be enabled to reach a position of importance in the country higher than they are entitled to. According to the last census 14½ million males were literate in a population of 150 million males, or 98 in every 1,000; while there were only 1½ million males literate in English, or 68 in every 10,000. This shows that education has not advanced to any very considerable extent throughout India.

While this is so, the educated natives are employed in large numbers in the administration of the country, and form the great majority of the administrative staff in the subordinate offices. Their intellectual fitness and social position have enabled them to gain this position. The question of employing them in increasing numbers in the higher offices is one that requires very careful and prudent consideration. Undue haste in introducing reforms in a country like India, which possesses no homogeneity, and is split up into many sections, may set back the social and political development of the country.

The Councils Act of 1892, which was the outcome of a clear statesmanlike policy, did much to foster this kind of development, and was a real and wise step in advance. By this Act the Legislative Councils were enlarged, the elective principle recognised, and the right to discuss the budget and make use of interpellations was given. It follows that such legislative privileges should be expanded in accordance with the advance of the times. It seems to me that the time has arisen when a wider scope may be given to the powers granted in 1892, not because there

has been agitation by Indian extremists, whose views on things Indian are vitiated by being extremely out of harmony with the actual situation, but because of the development in education, commerce, and the arts of civilization that has taken place during the past 16 years. During this period a consciousness of growing power, a strong feeling akin to patriotism, and an extensive desire to share more and more in the administration, have arisen in the minds of many educated men.

I approve of the formation of Imperial and Provincial Advisory Councils, and of the enlargement of the Imperial and Provincial Councils as well fitted to improve the administration, and to make the measures and motives of the Government better understood and appreciated by the people in all parts of the country, and also to correct the erroneous and mischievous views promulgated by irresponsible agitators. But I would lay it down as an absolute axiom, which should be rigidly enforced, that, by the formation of these Advisory Councils and the enlargement of the Legislative Councils, the Executive Government should in no way be interfered with, or thwarted in any way in their executive operations. Besides, the Government official members should always be in the majority on these Councils.

Imperial Advisory Council.—With regard to the Imperial Advisory Council I have to state that the proposals framed under paragraph 5 of the memorandum appear to me to be good with the exception of the constitution of the Council as contained in (3). This includes about twenty ruling chiefs, and a suitable number of territorial magnates of every province. It is not clear whether these two classes only should form the Advisory Council, or only a proportion of the sixty members. The great landholders no doubt represent the aristocratic and stable elements in Indian society, but they at the same time are living in a society quite distinct from, and are dominated by ideals and principles which seem to be out of touch with the general population.

I think that from a practical point of view the proposal to include the ruling chiefs is unworkable. I cannot conceive of them meeting in collective capacity with those who do not belong to the ruling race, and who as they think are vastly inferior to them in rank. To an Oriental monarch this would seem an impossibility. They, however, might be represented on the Advisory Council by their Diwans, to whom this objection would not apply. These Chiefs, moreover, do not know much about British territory, except from second-hand information. They could be on the Council, and be by themselves consulted, either in an individual or collective capacity, on famine or excise administration in their territories, on war with frontier tribes, or on the question of military co-ordination between the Imperial and Native Governments when any external enemies have to be dealt with.

At least twenty seats should be reserved for substantial men of great educational and statesmanlike abilities, who have been conspicuous for their probity, skill, and wisdom, irrespective of the amount of territorial property they may possess.

The Provincial Advisory Councils.—The constitution of the Provincial Advisory Councils is somewhat different. They should consist of 25 members, and should represent the classes referred to in the memorandum—landholders, industry, commerce, capital, and the professional classes. Care should be taken that these be adequately represented, and that some member of the Christian community be included under one or other of the heads mentioned. I would add that it might be advisable to appoint an Advisory Council for each district so that the Collector may be in a position to consult it when necessary at any time.

The enlargement of Legislative Councils.—Coming now to the enlargement of the Legislative Councils, I would propose the following alteration under paragraph 12 (2) E. It should read "Non-officials nominated by the Viceroy to represent minorities or special interests, not less than one to be a Muhammadan and one to be a Christian." This would secure the presence of a Christian to represent the three millions of that community in India—a community which is growing in influence and importance every day. I notice that under section D the Madras Chamber of Commerce is omitted, and only those of Calcutta and Bombay put in. I cannot understand why such an important body of men should be left out. Three men should be elected by the three Chambers of Commerce. If 53 be the number of members, then the Muhammadans under D (*d*) may be reduced to 1. With these alterations I am of opinion that the new Imperial Legislative Council would be suitably constituted, and lend its weight in helping to maintain the stability of the empire.

The Provincial Legislative Councils.—I think that the scheme which is suggested in paragraph 6 (*a*) of the annexure to the memorandum, as found on page 15 is excellent, and the only feasible one at the present stage in the development of the country. It probably will not be acceptable to the barristers and pleaders who form the very large majority of those who have been elected to the Provincial Councils by the District Boards and Municipalities. While the barristers and pleaders certainly occupy an influential position, it is not reasonable that they should have a virtual monopoly of the Legislative Council membership. Other sections of the community should also have the privilege of being elected to such an honourable position. I cordially approve of the scheme and trust that it will be adhered to. It will co-ordinate all the different interests, and give a fair representation. After, say, twenty years' experience it will be found whether it has really been a step in advance, and whether any modification can be made in the selection

by the different classes mentioned in the scheme. I have seen the proposal of the Raja of Kollengode, and think it will only perpetuate the present defective representation. Something should be done to equalize the representation of the different interests, and this the scheme appears to me to do.

The "general" and "special" conditions laid down in 6 (*c*) and (*d*) on page 16 seem to be fitted to make the scheme of selection a success. With regard to 6 (*f*) I think that no person should be selected to such an important Council who has not the necessary literate qualifications. An illiterate member would be unable to easily understand the deliberations of the Council, and enter intelligently into any discussion that may arise in the course of the Council's business.

The thanks of the country are due to the Government for the important step they are taking to enlist the sympathy and co-operation of the people of the country in the administration by means of the proposals they are at present making.

ENCLOSURE No. 2.

Letter—from M.R.Ry. P. RAMANUJA CHARIYAR Avargal, B.A., B.L., Chairman, Municipal Council, Chingleput.
To—the Collector of Chingleput.
Dated—Saidapet, the 12th February 1908.

With reference to your letter Ref. on No. 978-B. & G. of 1907, dated the 4th January 1908, asking me my opinion in writing on the several questions raised in the memorandum printed as an enclosure to the G.O., No. 886, Public, dated the 2nd November last, I have the honour to submit my opinion as follows.

1. It appears to me that the contemplated formation of Advisory Councils both Imperial and Provincial is an excellent idea, but with regard to the constitution of the councils I venture to submit that it should be somewhat different from that proposed in the Government Order above quoted.

2. With reference to Imperial Advisory Councils, I submit that it does not appear to me to be expedient to have Ruling Chiefs in the Council. The Ruling Chiefs themselves would not like the idea. Considering the habits of the country, they would feel it an indignity to sit with persons who are mere zamindars, however big their zamindari may be. They would very willingly sit with the Viceroy, Governors and Lieutenant-Governors of Provinces, but they may not like the idea of sitting with persons who do not happen to be of the status of Ruling Chiefs. Further, they are not likely to know much of British-Indian administration. Hence if the Ruling Chiefs are to be constituted an Advisory Council, they may be so constituted, provided that in the Council in which they are members there is nobody else who is not either the Viceroy or the Governor or the Lieutenant-Governor of a Province. But then the function of the Council of Princes, Chiefs and Administrators should be to discuss exclusively high matters of State, such as matters of Foreign and Border policy, Peace and War and so on. Such a Council consisting of only the Ruling Chiefs and the Viceroy and the Governors of Provinces in India, and, I may add, of the Commander-in-Chief of His Majesty's Forces, would be of great help to the Government of His Majesty in discussing high matters of State, and the Ruling Chiefs themselves would feel flattered by being consulted on such matters by the representative of the Sovereign. A Council on these lines may be appropriately called "The Imperial Council of Indian Princes, Chiefs and Administrators".

3. Besides the above Council, there should be what is called an Advisory Council of "Notables" to the Viceroy. In this Council may be represented the wealth and intelligence of the country. It does not generally happen that a highly intelligent and loyal citizen is also a rich man and *vice versâ*, it does not happen that a very rich loyal citizen is also a highly intellectual man. No doubt, there may be cases in which both these qualifications are combined, but they are an exception than the rule. Hence, I submit that 60 persons may be selected to form the Council; 20 of them may be "Territorial Magnates", 20 of them may be drawn from the capitalists and merchants, and the remaining 20 may be drawn from all the other classes. A high standard of qualification is to be fixed for these Councillors. With regard to Territorial Magnates, no one shall be deemed to be a magnate unless he pays a land revenue of not less than Rs. 25,000 per annum to Government; as regards the capitalists and merchants I would submit that nobody should be entitled to sit on the Council who does not pay an income-tax on a yearly income of not less than Rs. 25,000 to Government; and with regard to the remaining 20 councillors, no general rule could be laid down, but the Government has to select men who have attained eminence and shown public spirit and who, by their dignified character and high attainments and talent, are considered worthy of sitting in such an august Council. The functions of this Council will be to bring to the notice of the Viceroy from time to time the defects that the individual councillors may see in regard to the various measures which the Government may take or has taken, to interpret the Government to the people and the people to the Government, and generally be the mediums of communication between the Government and the people.

They must be at full liberty to state their views honestly and candidly on every question of administration; of course, the Government is not bound by their opinions, but would derive valuable assistance from having so many ears and eyes, so to speak, in the persons of these councillors.

4. The above being the view that I take of the functions of the members of the Imperial Advisory Council, it appears to me that no regular meeting would be necessary except in matters of great importance, or whenever it is deemed desirable to have an exchange of views among the councillors so as to decide upon a particular course to be taken. In other matters, I deem it sufficient if individual opinions are taken by means either of personal interviews or by letter communication. The decisions of the Council or the opinions of the councillors need not be made public.

5. The formation of Provincial Advisory Councils should be based upon broad principles. I would respectfully suggest that the constitution of the proposed Council may be something as follows :—

(*a*) All those belonging to the Province who happen to be in the Imperial Advisory Council.

(*b*) One person from each district who either pays a land revenue of not less than Rs. 5,000 a year, or income-tax on an annual income of not less than Rs. 5,000.

(*c*) About ten persons who, though they may not possess the property qualifications above referred to, have attained high distinction in public life by their character, education and conduct and whose opinion, in consequence, would be valuable.

The function of the Provincial Advisory Council will be the same as the function of the Imperial Advisory Council above referred to in regard to matters of Provincial administration. This body will interpret the feelings of the people to the Government and the feelings of the Government to the people. So far as the Madras Presidency is concerned, on the principles above stated the Council is likely to consist of 35 members. In matters of great importance where it is considered that an exchange of views is necessary and a full private discussion is desirable, the Council may meet. In other cases, opinion may be invited from individual councillors, but the Government may be guided by these opinions, but it is not compulsory that it should be so guided.

6. Coming next to the Imperial Legislative Council, it appears to me that the number and the constitution set out in paragraph 12 of Government Order, may be adopted with the following modification :— The Ruling Chief ought to be omitted and the special mention of Muhammadans as a class ought to be also omitted. Since the Government reserves to itself the right to select members in addition to the elected members, it will be open to the Government to appoint fit and competent persons from any class of persons who, in the opinion of the Government, are not adequately represented. It depends upon whether at any particular time there is adequate representation or not. Hence, the mention of Muhammadans as a class prominently in the rules to be framed appears to me to be inexpedient and impolitic.

7. Turning now to the Provincial Legislative Councils, I venture to submit that the scheme suggested at page 15 of the Government Order, under reply is not proper one. Forming electorates by race, caste and creed appears to me to be highly inexpedient and is also likely to produce discord among the various sections of the community. It appears to me that the following scheme will work well and produce an efficient Council :—

(*a*) To be nominated by His Excellency the Governor, 6 ;
(*b*) selected by the Madras Chamber of Commerce, 1 ;
(*c*) selected by the Senate of the University, 1 ;
(*d*) selected by the Legal profession, 1 ;
(*e*) selected by the zamindari class, 2 ;
(*f*) selected by the citizens of Madras, 1 ;
(*g*) selected by the Northern Circars, 1 ;
(*h*) selected by the Ceded Districts and Nellore, 1 ;
(*i*) selected by the North Arcot, Chingleput and South Arcot districts, 1 ;
(*j*) selected by the Tanjore and Trichinopoly districts, 1 ;
(*k*) selected by the Madura and Tinnevelly districts, 1 ;
(*l*) selected by the Salem and Coimbatore districts, 1 ; and
(*m*) selected by the Malabar and Canara districts, 1.

Since under this scheme the Government has a reserve power of nominating six members, it is open to the Government whenever it sees a particular class or section of the community not represented, to appoint competent persons from among the community not properly represented. The persons selected by the zamindars must themselves be zamindars. The persons selected by the legal profession must be members of the legal profession. The persons selected by the University should be persons who follow education as their profession. The person selected by the Madras Chamber of Commerce must be a merchant. With regard to the others, there need be no restriction whatever as to from what class or from what profession they are selected. As already observed, if by such selection it happens that any particular class in the opinion of the Government is not adequately represented, it may exercise its power of appointing persons of that class.

8. As to the qualification of the electors, those suggested in clause (*d*) of page 16 of the Government Order appear to me somewhat high. In the case of the Legal profession, any person paying an income-tax on an annual income of not less than Rs. 2,000 may be qualified to vote. In the case of zamindars, any zamindar may be registered as a voter who pay a peshkash of not less than Rs. 2,000 or pays land-cess to Local Boards calculated on a rent value of Rs. 5,000, and one member may be given for the northern districts and another for the southern districts. As regards the qualifications of voters in the districts, any person who pays an income-tax on an income of not less than Rs. 2,000 or any person who pays land revenue to Government as a ryotwari holder of not less than Rs. 1,000 a year may be registered as a voter. It is not necessary that literate qualification should be insisted upon, since it will be found that there will be several literate persons among those who get an annual income of Rs. 2,000 and more. As regards the selection by the citizens of Madras, the qualification to vote may be payment of income-tax on an income of not less than Rs. 2,000 or taxes to the Corporation of Madras on immovable property assessed at an annual value of not less than Rs. 2,000. The general conditions in clause (*c*) of page 16 of the Government Order may be adopted.

I am sorry that there has been some delay in the submission of this report, but it was not intentional. The fact is I was not able to prepare the report earlier owing to the pressure of professional engagements.

ENCLOSURE No. 3.

Letter—from C. GAHAN, Esq., B.A., Treasury Deputy Collector, Saidapet.
To—the Collector of Chingleput.
Dated—Saidapet, the 10th February 1908.

In response to your letter Ref. on No. 976/B. & G. of 1908, I have the honour to submit the enclosed memorandum of my opinion on the points mentioned in the memorandum printed as an Annexure to G.O., No. 886, Public, dated the 22nd November 1907.

Memorandum.

Imperial Advisory Council.—In regard to this Council it is my humble opinion that it will be neither expedient or of any practical utility to include the ruling chiefs in its membership. They cannot be expected to have any special concern in matters of administration outside their own territories and I do not think it will ever be practicable to obtain their collective presence for purposes of consultation.

If their advice is to be sought only in matters of Imperial concern it may be obtained individually from them without the necessity of enrolling them as Councillors.

Excluding therefore the ruling chiefs, the Council may be constituted on the lines laid down in paragraph 5 of the Government of India's letter of the 24th August 1907, all the members being nominated by His Excellency the Viceroy.

The function of the Council should be purely advisory, matters of Imperial interest or of administration of such movement as the Government may deem it expedient to seek advice in, being referred to it as a collective body or individually or by means of Committees formed among its members. The number should be large enough to represent all classes and interests. It should receive no statutory recognition.

Provincial Advisory Council.—This Council may, as suggested, consist of about 25 members, including those already representing each province on the Imperial Council and representatives besides of the smaller landholders, commerce, industry and the professions, to be nominated by the head of each local Government.

Members already nominated to the Legislative Council may be included in this number.

The functions of this Council should be of the same nature as those of the Imperial Advisory Council, important matters of administration and of Provincial interest only being dealt with when specifically referred to it.

Imperial Legislative Council.—In regard to the proposals contained in paragraph 12 of the Government of India's letter as to the constitution of the Council I respectfully venture to submit that there appears no necessity for reserving a seat for a ruling chief, nor do I advocate the reservation of so many seats as four for the Muhammadan community.

As this Council is expected to deal chiefly with matters of legislation and as the majority of legislative enactments affect every individual alike irrespective of caste, class or creed, the representation of any particular castes or creeds do not seem to be specifically called for. It seems desirable that interests more than classes or creeds need fair representation.

If it is thought that a fair representation of all classes cannot be obtained by the elective process and that some are likely to be unrepresented or in a considerable minority, a safeguard would lie in reserving a certain number of seats for nomination by the Viceroy and it would then be open to Government to make good any deficiency by filling in these seats as the exigencies of the circumstances may call for. The number of seats to be so reserved may, I think, be fixed at six.

In regard to the election of nobles and territorial magnates it will perhaps not be feasible to have for them an electorate comprised of so wide an area as a province, the selection might therefore be left to the land-owning members of each Provincial Council either from among themselves or from landholders paying such an amount of land revenue as may be fixed as bestowing the right to vote or be a member of a Provincial Council.

The property qualification may be fixed at such an amount of land revenue as would indicate an annual income of Rs. 24,000.

In the seats set apart for members selected by the Chambers of Commerce I would also have a seat for the representative of the Madras Chamber.

Adopting the figures proposed by the Government of India with the modifications suggested by me, the Council would be composed as follows :—

A.	His Excellency The Viceroy	1
B.	Ex-officio Lieutenant-Governor of Bengal or Punjab. The Commander-in-Chief and members of the Executive Council ..	8
C.	Additional officials to be nominated by Government	20
D.	Elected members—	
	(*a*) By the three Chambers of Commerce	3
	(*b*) By non-official members of the seven Provinces	7
	(*c*) By Nobles and great landholders	7
E.	Additional non-official members to be nominated by Viceroy ..	6
	Total ..	52

I agree in the opinion that there should be a preponderance in the number of official over the non-official members.

Provincial Legislative Council.—In the constitution of this Council for this Presidency I do not think it desirable that representation should be based on class or creed distinction. It would be preferable rather to have it territorial than otherwise and to this end I think the present system of election of non-official members by Municipalities and Local Boards should be continued though I would reduce the areas returning the representatives of such bodies. If possible each District Board should have its representative and the Municipalities might be divided into two groups, northern and southern.

Interests should also be represented and I would therefore assign one seat each—to the Madras Chamber of Commerce—the Senate of the University—to the Trades' Association—to the Planters of Southern India and to the Madras Corporation.

In order to obviate the crowding out of any particular classes or castes by any predominant section, a few seats should be reserved for nomination by His Excellency the Governor who will thereby be able to counterbalance any tendency to undue representation and secure for any class or interest in a minority, the representation it deserves. If it would make the number on the Council too large, to allow each district a representative, the area of the electorate may be enlarged to two adjacent districts and the District Board as well as Municipalities of these permitted to elect a member.

The Council of non-official members would then be comprised as follows :—

(*a*)	Elected by Madras Corporation	1
(*b*)	Do. by Boards and Municipalities	11
(*c*)	Do. by Senate of University	1
(*d*)	Do. by Chamber of Commerce	1
(*e*)	Do. by Trades' Association	1
(*f*)	Do. by Planters of Southern India	1
(*g*)	Nominated by Government	4
		20

The regulations framed under section 1 (4) of India Councils Act, 1892, of Madras may be made to apply as far as practicable to the recommendations for seats class A to F. The selection of members forming class *b* need not necessarily be confined to the members of the Boards and Municipalities themselves—the selected candidate should however be a man of position and a permanent resident of the area he is returned from. As a condition for eligibility it would be perhaps necessary to expect both a property as well as a literate qualification. For it is not always the man of means who is the man of culture and who takes an intelligent interest in public affairs. What the standard of property qualification should be I abstain from suggesting as I think the Government will be in a better position to determine upon that question.

In regard to the constitution of District and Taluk Boards I think the elective system for membership might be more freely introduced and every adult literate male whose income exceeds Rs. 500 per annum or who pays a revenue equivalent to that amount should be allowed to vote. It should be open of course to Government to nominate the usual official element to these Boards.

The Budget.—This as suggested might be discussed in the first instance under separate heads or groups in both Councils.

Non-official members should be given the liberty of proposing amendments and dividing the Council and as a safeguard the head of the Government may be invested with the power to veto in case necessity arises.

ENCLOSURE No. 4.

Letter—from M.R.Ry. M. V. NARAYANASWAMI PILLAI Avargal, B.A., Deputy Collector, Tiruvallúr Division.
To—the Collector of Chingleput.
Dated—the 14th February 1908.

I have the honour, in reply to your Ref. on No. 978 B. and G. of 1907, dated 4th January 1908, to report as follows.

2. *Advisory Councils.*—I have nothing to say about the Imperial Advisory Council. As regards the Provincial Advisory Council, I submit first that some of the members, say, five or more, ought to come in by election. The District and Taluk Boards are now looked upon by the educated classes as subservient to official opinion on the alleged ground that they enter them by official favour. It is said and persistently, that the members dare not express any view other than that of the President for fear of losing the favour. Although some of the District Board members are elected by Taluk Boards, they first enter the Taluk Boards by nomination. What truth there is in this complaint it is not necessary here to discuss. I only submit that the fact of the existence of the complaint requires to be recognized, and wish to disarm the complainants seeing that this council is intended as a link in all important matters between the people and the Government; it seems to me that it ought to consist of some persons whom the people will be proud to look upon as their representatives and will confidently expect to state their view. I attach a great deal of importance to this council, as, as I shall propose below, they will have to deal with questions of very grave import to the Presidency. The Presidency may be divided for purposes of this election into five groups—the Circars, the Ceded districts, the Central districts, the Southern districts, and the West Coast districts—each group sending one representative. If this principle is conceded the forming of an electorate may be arranged. The representative of course will possess the qualifications to be fixed for him. Lower qualifications may be fixed for the voters as all the members of the District and Taluk Boards and Municipalities may meet at a centre to elect him.

3. Next, I would submit that officials and retired officials of large experience should not be excluded. Gentlemen like, Sir S. Subramania Aiyar, Sir V. Bashyam Aiyangar, Diwan Bahadur Rajarathna Mudaliyar and Mr. Krishnaswami Rao, command more confidence with the public than any zamindar or big landholders in the Presidency.

4. The council ought to be consulted (1) for purposes of settling the general principles (not details) in regard to matters on which legislation is to be undertaken, (2) in matters connected with plague, famine, education, forests, industries, etc. It ought also to have the power of initiative on a requisition to be made by at least half the number of members on questions of importance.

5. *Legislative Councils.*—I cannot say anything about the Imperial Legislative Council. In regard to the Provincial Legislative Council, I submit that I consider that elections by castes or religion is not to be commended. Every person who has the welfare of this country at heart deplores the pernicious effects of the caste system and would gladly see it completely abolished. However much it may have been desirable in old days it is out of date now and has outlived its utility, not to the individual but to the nation in general. The higher castes would not give up their position of eminence, although the lower castes would, as is natural, have the barrier broken down. Considerable improvement is being made in the relations between the higher and lower castes and of late years the more broad-minded educated men and in fact the general advancement of the people are hastening this. I beg respectfully to submit that at this time I should consider, as an Indian, that there should be no accentuation of caste differences and of a need for caste representation. The Theosophical Society, some years ago, first commenced to enunciate the differences of caste and in my humble opinion, this retarded for a long time progress in this direction. I only fear that if the proposed step is taken, further progress may be retarded. Although complaints may be made in other directions it has never been, so far as I know, said that the Brahman did not properly represent the non-Brahman or the Christian on the Legislative Council and *vice versâ*. Brahmans are elected by the non-Brahmans and the non-Brahmans are elected by Brahmans ungrudgingly and this, I submit, brings about amicable

relations, good feeling and confidence between them. I would therefore abolish (*g*), (*h*) and (*i*) in the scheme and raise the number in (*j*) to 8; adding the remaining one to (*a*) for nomination by His Excellency the Governor in case it should be found that Brahmans, Christians, or Muhammadans are not adequately represented. The qualifications for voter are very high. I would reduce the standard of qualifications for the voters and retain the proposed qualifications for the candidates who will of course be of the voters. I would also add to the voters and candidates all graduates of twenty years' standing and more and would modify the restrictions that pleaders should not be elected. The election will be for groups of districts, say four, and I would make it a rule that not more than half the number may be pleaders. The reason why I wish to enlist the services of pleaders is that if they are excluded altogether there will be paucity of men who will be fit to discuss questions of great importance altogether. I respectfully beg to submit that I fully appreciate the intention to give full representation to all other classes, but education has not spread sufficiently to landholders and merchants yet. The best intellects are either vakils or Government servants and we cannot altogether ignore this fact. This system if adopted will introduce all classes of people but will check the preponderance of vakils in the council. This will also do away with the need for a representative of class (*d*) which I would add to class (*a*) so that while on the one hand there will be an intelligent representation of all classes there will not be talent wanting in the representation of the Presidency as a whole. I would also add to the list of voters and candidates retired high officials in the mufassal to be specially listed without reference to special property qualifications.

6. As regards class (*e*) I would submit that the qualifications required seem too high. They may be reduced.

7. In conclusion, I beg to state that if I have written rather strongly about any matter, it is because I feel strongly and I request that the remarks may be accepted in the spirit in which they are made.

ENCLOSURE No. 5.

Letter—from M.R.Ry. Rao Bahadur K. JAGANNADHAM CHETTI Garu, Chairman, Municipal Council, Conjeeveram.
To—the Collector of Chingleput.
Dated—the 15th February 1908.

With reference to your letter Ref. on No. 978/B. & G. of 1907, dated the 4th ultimo, I have the honour to submit my views as I think best. They are as follows:—

(1) *Imperial Advisory Councils.*—I am in favour of an Imperial Advisory Council but I am not well impressed with the idea of calling in the aid of the ruling chiefs to constitute the proposed council. Whatever might have been position of these potentates in ancient times, they cannot now be said to be the natural leaders of the people though there may be few brilliant exceptions. Times have considerably changed. Wealth and princely seclusion beyond evoking loyalty and respect did not even in ancient times constitute the ruling chiefs as leaders, much less now are they counted upon as essential elements of acknowledged leadership. Among retired officials of superior rank and position and among non-officials there exist adequate materials for the constitution of the Council. Even among the practical administrators of Native States, namely, the Diwans of ruling chiefs who represent the brain and intellect of the country and who have close acquaintance with the sentiments of the people at large, sufficient number can be found to help the administration of the country. I make this statement out of my experience as Diwan of Ettiyapuram. The opinion of justice Sir Subramania Aiyar for instance is calculated to carry more weight with the people than that of any of the ruling chiefs, most of whom, to be plain, are yet on the road to form independent opinions of their own on momentous questions of public interest.

(2) *Provincial Advisory Councils.*—I am not in favour of Provincial Advisory Councils, as in my opinion, there must be an Advisory Council for each district and the constitution of these councils obviate the need for a Provincial Council.

(3) *Enlargement of the Imperial Legislative Council.*—In principle, class representation will prove pernicious to public interests. The non-official members have the right of interpellations in certain matters. They have not the power to discuss principles of any legislative measures. If the councils are to be enlarged they should be given some power of legislative initiative. The principle that should be followed is to see that not only wealth and position but also the intellect of the country is properly represented in the council. For this purpose, the qualification of members should not be fixed so high as to prevent the best men, who, though otherwise qualified, may not be large landholders or men of wealth, from coming in.

(4) *Provincial Legislative Council.*—I am opposed to the scheme in its entirety. I fail to see any ground for the creation of separate electorates for Brahmans, lawyers and so on. Class legislation in Provincial Council is few and far between. There can at no time arise a case wherein legislation ought to be made for Brahmans alone. Even if any such cases do arise, it cannot be said that there will be no Brahman legislators in the councils, unless a separate

electorate is created for them. Why a separate electorate for Christians, when the Executive and Legislative Departments of Government contain Christian gentlemen of superior intellect, ripe experience and judgment; so far as public interests are concerned, I do not share in the view that the different nationalities of this Presidency have any other but common goal. In my opinion, the present electorate through the District Municipalities and District Boards is scientifically sound and logically accurate and if need be the number to be elected by them may be increased without distinction of caste, creed or colour.

I have no objection to landed interests and Muhammadan interests being specially represented, but I find that the qualification laid down is too high for this presidency.

Including His Excellency the Viceroy 61.

Classed under the several heads the figures will be—

Officials including ex-officio 28	28
Non-officials	32
By nomination which is almost as good as officials	30
By election	30

Half the number of seats falling under D (*b*) should be declared to appertain to the agriculturists and the other half to traders. It is proposed to fill 4 out of the 20 official seats by election in order to bring the elective seats to half of the total strength to meet the public cry. By right of nomination, the Government reserves the power of discretion to nominate only persons of proved ability and loyalty and this will meet the small want of preponderance in the official element. The number of members, viz., 60, may appear large but considering that a big country like British India, consisting of seven large provinces, has to be represented, the figure is not perhaps high enough.

IX. I would further suggest that in disposing of the two seats remaining at the disposal of His Excellency the Viceroy, the representation of the domiciled Europeans, such as planters, etc., and that of the Military department (retired list) may not be lost sight of.

X. Next going to the question of Provincial electorate (paragraph 14 of the Government of India's letter), it is but proper that no candidate who is not himself eligible for election can have the right of electing others. Having regard, however, to the extent of the province, of the people and of their interests to be represented, every taluk unit should be represented in the electorate so far as the province of Madras is concerned, the minimum number of electors should be 181 * as there are as many taluks. If possible in the case of taluks which happen to be trading centres, two for each taluk, one for agriculture, the candidate being qualified by the extent of the amount of land revenue he pays to Government, and the other for trade, the candidate in this case being likewise qualified by the amount of income-tax paid by him, will be necessary. There is no harm in the list of electors being rather long. On the other hand it will be adequately representative which is the chief point.

* *Note.*—This figure has to be verified.

XI. If it is approved that every taluk unit should be represented in the electorate, then it will be necessary to determine the property qualifications of the candidates standing for the franchise. The figure of Rs. 10,000 fixed as the minimum land revenue to be paid by the candidates appears to be rather too high as far as the Madras Presidency is concerned. The Government apparently took as the standard, the wealthy mittadars and noblemen of other provinces. In the taluk of Conjeeveram for instance, which is only second to Madurántakam in its wealth in this district, no landholder pays more than Rs. 4,200 as land revenue to Government. Other taluks except Madurántakam should be worse. The figure of land revenue, so far as the Conjeeveram taluk is concerned, may be fixed at Rs. 3,500 or even less and the Collector will be able to fix the district average from the statistics furnished in reply to his memorandum, Reference No. 1896-Sup., dated 15th November 1907. If income from lands is taken into accounts Rs. 5,000 may be fixed as the minimum. As regards the trading class, the largest amount of income-tax paid by any one individual in the Conjeeveram taluk which may be termed a trading centre, is Rs. 524 and the three † sets of figures paid next to this sum are noted in the margin. The minimum tax may be therefore fixed at Rs. 300. In the case of Muhammadans, however, who as a class are very poor, the property qualifications may be reduced to Rs. 1,000 under land revenue and Rs. 75 under income-tax or the minimum income from land may be taken as Rs. 2,500 or taxable income at Rs. 2,900 in round figure.

† (1) Rs. 353. (2) ,, 346. (3) Rs. 223.

XII. I would invite attention to paragraph 5 (4) of Government of India's letter where it is proposed to fix the term of members in the Councils at five years. Having regard to the number of candidates eligible for seats in the Councils, the term may be, with advantage, reduced to three years, if honours should circulate and if a chance should be allowed for a fair percentage of eligible candidates to sit in the Council once at least during life. The foregoing remarks concerning electorates of course apply to election of candidates for both the Councils—Imperial and Provincial.

XIII. Finally as regards the candidates for seats in the Provincial Councils, the maximum proposed in paragraph 2 of the memorandum annexed to G.O., No. 886, Public, dated 22nd November 1907, appears to be inadequate, viz., not sufficiently representative. Every district should be taken as a unit by itself so far as the elective seats are concerned. There are 23 districts. Of the 23 candidates to be returned by the election 12 might be agriculturists including zamindars and landholders of every other description and 11 traders. It is proposed to recast the scheme (*a*) under paragraph 6 as shown under :—

A	2
B	1
C	1
D	1
E—Zamindars and other landholders with landed property qualifications	12
E—(1) By traders with income-tax qualification	11
F	2
G	Dropped.
H	1
I	1
J	Dropped.

XIV. The number of non-official seats will come to 32 instead of 17 proposed in the scheme. Item G is dropped (1) as caste distinction is no qualification, (2) as the other castes Kshatria, Vysia and Sudra shall have to be allowed the same privilege and (3) as it is highly probable that candidates returned under (*c*) and (*d*) will be Brahmans.

XV. The increased numerical strength is not much considering the fact that the interests of the whole district paying far above fifty lakhs of rupees under all heads to Government is to be represented by the voice of only one individual.

XVI. The general conditions enumerated under (*c*) may have to be revised in the light of the foregoing observations under the two Councils but before the remarks are approved, it will be premature to propose revision of the conditions.

ENCLOSURE No. 6.

Letter—from M.R.Ry. D. B. VENKATASUBBA RAO Avargal, Tahsildar of Madurántakam (Zamindar of Chinnakandali, Salem district).
To—the Collector of Chingleput.
Dated—the 3rd February 1908.

I beg to acknowledge receipt of reference on No. 978-B.G. of 1907, dated the 4th January 1908, and to submit below my views regarding the formation of Advisory Councils and the enlargement of the Legislative Councils.

Imperial Advisory Council.—The formation of this body will meet the legitimate aspirations of a large section of loyal and devoted citizens of India who are not affected by visionary ideals. I consider that the council will tend to bring about a better understanding between the rulers and the ruled and prevent measures initiated by Government being misconstrued. That this council should be composed of "territorial magnates" not only of British India but also of Native States, is quite desirable and proper. I take it that the term "territorial magnates" is meant to be applied to wealthy zamindars and landholders, constituting the landed aristocracy. The leaders of commerce and industry, who by their wealth, enterprise and culture, represent formidable interests of the commercial and industrial classes, would, I consider, be very useful in the Advisory Councils. It is impossible to gauge accurately the feelings and sentiments of these communities on important measures likely to affect their interests, unless their leaders have an opportunity to express their views. In the matter of the inclusion of the Ruling Chiefs, I fear that the proposal will not be quite welcome to them. The Ruling Chiefs, rightly or wrongly, trace their pedigree to distinguished ancestors whose names are lost in the unfathomable depths of antiquity. Nowhere is heredity more valued, or a high pedigree more reverentially considered, than in India and it would touch the *amore propre* of a Ruling Prince representing an ancient house if he is classed with "territorial magnates" however wealthy and influential. A separate council for the Ruling Chiefs, should such a council be considered necessary, may be a more desirable body to elicit their views on momentous topics. It seems to me that the ministers of the Ruling Chiefs might more conveniently be offered seats on the Advisory Councils than their chiefs. In the matter of the property qualification of the Imperial Advisory Councillors, I would suggest that no person should be considered eligible who does not pay Rs. 10,000 as peshkash or land revenue, or cesses or income-tax or both on an annual income of not less than Rs. 20,000. Amongst these I would select only such men who by *character*, *culture*, *age* and *sound views* have shown themselves to be considered as leaders of their communities. Mere wealth ought not to count, and in a country like India where the real ideal is not *material* but

spiritual, as much regard is not paid to wealth as to character, culture, and the leading of a noble life. In the matter of the preparation of the list of persons eligible to be voters I would reserve to Government absolute power to refuse, without reasons, to include any names.

Provincial Advisory Councils.—As for the constitution of the Provincial Advisory Councils the same canons of judgment as to character, culture and sound views ought to apply. Only the property qualification may be lowered to half of that required for the Imperial Advisory Councils. Here, of course, the representatives of the landed aristocracy (zamindars, ryotwari landholders, etc.) and the mercantile and industrial classes, will come in. Lists might be compiled for each district and a general list for the whole Presidency drawn up. I would prefer dividing the Presidency into the Telugu, Tamil, Canarese and Malayalam districts for purposes of election; otherwise the electorate will be very big and the difficulties of deciding on a suitable candidate for voting will be great. At the rate of one representative per district, twenty-five members would be quite a good number for the Madras Provincial Advisory Council.

Imperial Legislative Council.—The qualifications which I have suggested in the matter of property, character, culture, etc., for Imperial Advisory Councils may be made applicable for membership in the Imperial Legislative Council. As regards the making up of the required number of members, I see no reason to object to the Government of India's proposals contained in paragraph 12 (2).

Provincial Legislative Councils.—In the matter of the Provincial Legislative Councils, I think it is a retrograde step to accentuate caste differences at a time when the rigours of caste are gradually relaxing. I say this of the proposal to have separate representatives for the various castes amongst Hindus. It is quite right and proper that Muhammadans and Christians, whose interests differ from those of the Hindus in various ways, should be represented by their co-religionists. As for Hindus they form a single community. It would be enough to allot a number of seats to them without specifying the castes to which they should be allotted. Government should reserve to itself power to accept or refuse a person elected without assigning reasons, and where it is found that a disproportionate number of persons of a particular caste has been elected, it will be open to Government to adjust matters by selecting some one else. I consider also that the property qualification fixed is rather high for a Presidency like Madras. I would cut it down to one-half. I accept the other proposals.

District and Taluk Boards.—The question of election of members to the District and Taluk Boards can only be usefully discussed after final orders are passed as regards the Advisory and Legislative Councils.

ENCLOSURE No. 7.

Letter—from M.R.Ry. R. S. VISUVASAM, B.A., Headmaster, United Free Church Mission High School, Conjeeveram.
To—the Collector of Chingleput.
Dated—the 15th February 1908.

I beg to submit my humble remarks and opinion called for in your Ref. on No. 978 of 1907, dated 4th January 1908, on the reform proposals of the Government of India with regard to the formation of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

The proposals of the Government to widen the scope of representation on Provincial and Imperial Councils and to give the people a larger share in the administrative affairs are a step in the right direction and indicate a vast amount of recognition and appreciation given by the Government to the growing interests and demands of its subjects. Its object in framing the proposals under review and throwing them open to public criticism is quite laudable and consistent with the humane and sympathetic spirit that has always characterised the British rule in India.

The contemplated institution of an Imperial Advisory Council consisting of about 20 Ruling Chiefs and a suitable number of territorial magnates of every province would no doubt promote mutual sympathy and co-operation and would help to diffuse correct information upon the acts, intentions and objects of Government. But, with regard to the appointment of the Ruling Chiefs and territorial magnates alone to seats in the Advisory Council, it may be remarked that if the educated and most enlightened men who are mainly to be found among the middle class are excluded from this important body a powerful and effective means of securing good and disinterested counsel is omitted. The members of the Advisory Council should be privileged to express their opinions on all matters affecting the interests of the public. Should every Bill proposed to be introduced by the Government be at first referred to the Council, there can be very little room for complaint and dissatisfaction. Similar Councils might advantageously be instituted for all districts so as to serve as a nucleus for Provincial and Imperial Councils. These District Councils should be consulted by the District officers on all questions regarding settlement, remission of land revenue, irrigation, famine, epidemics, sanitation, etc. In cases of differences of opinion arising between the presiding District officers and the majority of the District Councillors, the proceedings may be forwarded to the Government for final settlement and decision.

As regards the proposals relating to the expansion of Imperial and Provincial Legislative Councils, the resting of representation on a timocratic basis is again a retrograde step and is indefencible in principle. The monied classes have not availed themselves of the wide and varied opportunities of education in order to fit themselves as a class to engage in the task of assisting and advising the Government usefully. The educated classes whom the new scheme as to some extent thrown into the shade are necessarily the most potent instrument of public opinion in the country. The lawyers whose serviceableness the new scheme completely ignores do not belong to any particular class; but by virtue of their training and ability they emerge into notice from various classes and are peculiarly fitted to assist the Government in the administration of the country.

The representation of castes and creeds is in my humble opinion only a backward step; for education sweeps away all prejudices of caste or creed. Caste representation can only hinder the growth of nationality, whereas territorial representation bringing men of diverse castes and creeds together for purposes of deliberation compels them to forget all differences; in proof of which examples are not wanting to convince us that the interests of particular classes have been safeguarded and their grievances and views have been urged with cogency and force in the legislative chamber by men who differed from them in caste and creed.

There are two classes of professional men whose services in the Advisory Council would be of great use to the Government and they are the lawyers and schoolmasters. These are men who do not belong to any particular class and do not possess any particular interests but whose candid and disinterested views on all matters of administration would by their very nature eminently qualify them for imparting good and useful advice.

Enclosure No. 8.

Letter—from Rev. C. H. Monahan, M.A., Superintendent, Wesleyan Mission, Tiruvallúr.
To—the Collector of Cuddapah.
Dated—the 3rd March 1908.

I have the honour to state that owing to frequent absences from home and exceptional pressure of work owing to the departure of a colleague to England, I have been quite unable to give attention to the very important matters contained in G.O., No. 886, dated 22nd November 1907. I observe that the date has already passed within which a reply should have been sent. I will therefore content myself with one criticism on the general principle of giving special representation to different religions or castes *as such*. I consider it open to grave objections on many grounds. It would leave minorities, large in the aggregate, quite unrepresented. It would lead to inter-racial or caste feuds as to the proportion of representation that should be given to each section of the community. And it introduces a new and, so far as I am aware, hitherto untried method of giving representation—untried, I mean, in any civilized country. I write this under correction. My view is that the alternative suggested on page 17 (*e*) should be followed, with the excision of the last line, or at least the modification of the condition which is to bind the Governor's discretion in the matter. If a clause were inserted to the effect that a certain number of nominations should be reserved in His Excellency's hands with the understanding that he use these places to provide representation for important sections of the community that have failed to obtain adequate representation under the other heads, that would meet the case much more satisfactorily than by binding him to nominate one Brahman, one Muhammadan and one Christian. For it is quite conceivable that the strength of any of these classes in a given district may be modified from time to time.

Apologising for my delay in writing.

XVIII
Salem District.

Enclosure No. 1.

Note by M.R.Ry. T. S. Sivagnanam, Deputy Collector, Námakkal, dated the 23rd January 1908.

I am in entire sympathy with the proposal to form Advisory Imperial and Provincial Councils and to enlarge the present Legislative Councils both Imperial and Provincial. I shall therefore only state my objections to some points of detail.

2. Caste and religion were the curse of India. Under the neutrality of the British Government and consequent on the opening of railways and the formation of big towns, the rigidity of the system is gradually giving way and will be a thing of the past in quarter of a century more. It is therefore a retrograde step to allot seats to the representatives according to their religion. In fact it is the accepted policy of the British Government not to recognize difference of caste and creed.

3. If religious and caste representation is to be allowed at all, Christians and Hindus must have seats corresponding to the strength of their numbers and other castes which are numerically as strong as the Brahmans should have each a representative.

4. This division has a population of six lakhs all of whom with a very small exception are Hindus. If the special conditions enumerated in paragraph 6 (*d*) of the memorandum are to be insisted on, there will be only one gentleman eligible for election in this division. He is Mr. Doraiswami Reddiyar, Mittadar of Námakkal, who pays a peshkash of more than Rs. 20,000. The Proprietor of the Komaramangalam Estate pays also a peshkash not less than Rs. 20,000, but he is now a ward under the Court of Wards. There are no vakils who get an income of Rs. 5,000, no other zamindars who pay a land-cess or annual rent of Rs. 50,000 and no ryotwari proprietors who pay an assessment of Rs. 2,000 and more. In the whole of the division there are only 13 people who pay an assessment of Rs. 250 and upwards. It is therefore submitted that the property qualifications now proposed may be considerably reduced to include a large class of otherwise eligible men.

Enclosure No. 2.

Letter—from M.R.Ry. M. Doraiswami Reddiyar Avargal, Zamindar of Námakkal, etc., Estates, District and Taluk Board Member, Námakkal.
To—the Deputy Collector, General duties, Námakkal.
Dated—Muthugapatti, the 20th January 1908.

With reference to Memorandum No. 1708/Gl. Cur., dated 10th December 1907, on a copy of G.O., No. 886, dated 22nd November 1907, Public Department, regarding the constitution of Imperial and Provincial Advisory Councils, and the enlargement of the existing Legislative Councils giving the people of India wider opportunities of expressing their views on administrative, etc., matters, I have the honour to offer my opinion as detailed below:—

1. *Imperial Advisory Council.*—(*a*) It is no doubt a fact that in the history of the Oriental Nations, it was a practice, from time immemorial, that the ancient Emperors of India used to consult specially constituted advisory councils whenever any matter of extreme political importance was thought necessary to be discussed and acted upon. Such a sort of thing is no doubt welcome to the Indians even of the present day, as their sentiments are moulded upon ancient notions. The only question at present is, how the council is to be constituted with a view to its working properly and efficiently.

(*b*) As for the number proposed the same may stand. So far as this Presidency is concerned, there are not many Ruling Chiefs excepting some big zamindars. As the object of the council is intended to be purely consultative, persons who form the council must be men who are in a position to understand and opine authoritatively on all the important questions so far as the welfare of the country and its people are concerned. Therefore, I suggest, as regards this Presidency, that some of the big zamindars, such as the Rajas of Pittapur and Kálahasti, zamindars of Sivaganga and Ramnad, etc., zamins, may take the place of the Ruling Chiefs referred to in paragraph 5, sub-paragraph 3. Further, I have the honour to add that the object of the Government could much better be realised, if a greater number of members are selected from the other holders of permanently-settled estates. These are moving hand in hand with their ryots and they know very well what their needs are; and as such they might be expected to speak to them with authority. So, I propose about 30 per cent. may be nominated from among this latter class.

(*c*) Since it is the object of the Government that the Imperial Advisory Council should be one purely for consultative purposes and since I understand it also to be formed from the Ruling Chiefs of India and other territorial magnates, meaning thereby men who have sufficient influence to hold independent and confidential views regarding all burning topics concerning the executive administration of the Government, I am of opinion that such an important body should receive legislative recognition, in the sense that the Government should not arbitrarily veto its opinions, whether individual or collective, without recording its proper reasons for doing so.

(*d*) Here I wish to detail a little more about the working of the proposed Imperial Advisory Council. Whenever the consulting authority should deem it necessary to differ from the individual opinion, the same must be referred to the collective body, either by the Government or by the individual whose opinion is differed from, and the opinion of the majority should prevail. Unless such a thing is insisted upon, I am of opinion that the object of the council cannot very well be fulfilled. Of course, the Government is at liberty to have the deliberations of this council strictly confidential.

2. *Provincial Advisory Councils.*—I doubt seriously whether this council can work satisfactorily in the manner proposed by the Government in paragraph 6 of its order. At the beginning, the Council may consist of men selected from the several District Boards. Of course the Government may nominate such of the most efficient among men who are already selected by all the members of the board. Every District Board may be empowered to select a few men from among them to be nominated members of the Provincial Advisory Council. From among this number the Government may nominate such as they deem fit for the proposed object. The other conditions and methods of working may be the same as those of the Imperial Advisory Council.

3. *Enlargement of Imperial Legislative Councils.*— (*a*) It is rightly observed by the Government that in the Legislative Council, as it is at present constituted, too much preference is being given to the legal profession. With due deference to that enlightened profession I think that they are a class who cannot fully and satisfactorily represent the whole needs of a country or even of a province. In spite of the wide educational attainments they have achieved, their opinions at least as regards the question of agriculture, industry, commerce, etc., will be in certain cases not well thought out or properly threshed out.

(*b*) The number of members of the landed proprietor class in the Legislative Council must necessarily be increased in view of the important position they occupy. Such people will be in a position to represent the wants and requirements of the ryots in their charge and they may also suggest improvements in a proper direction.

(*c*) As for the strength of the council I propose that the following amendments be made:—

(1) In class B, it is enough, if there are 19 additional officials nominated. In my opinion, a separate and independent place should be set apart for nobles and landowners over and above that which is set apart under class D. These classes are not ones that can be overlooked and as such one seat at least must be set apart for nobles and landlords. This should come under the head of nomination.

(2) As there are already two seats reserved for Muhammadans under class D, sub-section (*d*), I don't think it necessary to reserve two seats more for Muhammadans under class E. It is enough if one place is reserved for them, so that, if D (*d*) and E are taken together, Muhammadans will be equally represented with others. Further from the scheme proposed, it is not seen that Muhammadans will not come under other classes also. On the whole, I think, by adopting my amendment, Muhammadans will not in the least be prejudiced in the representation of their class. The other proposals may stand.

(3) As regards paragraph 14 of the order, I am of opinion that the number forming the Provincial electorate is an enormously big one as suggested by the Government; and such an overwhelming number is not desirable as the difference of opinion will vary inversely as the number of electorates. Further, there will be difficulty in nomination. Above all, there is the great difficulty of obtaining about a hundred or a hundred and fifty members with the property qualifications suggested by the Government of India. It is not possible to find out such a large number of persons paying an assessment of Rs. 10,000 to the Government under the ryotwari system; so far as my knowledge goes, there are not even one or two persons who pay even Rs. 2,000 assessment to the Government in this Námakkal division or even in the district. Judging from this standpoint, I am fairly led to believe that there will not be even 100 persons in each province who pay Rs. 10,000 to the Government.

(4) In view of the last argument I wish to suggest that it is enough if we have fifty or sixty electorates in each province and the qualification of such members can be fixed at an assessment of Rs. 5,000 or even Rs. 3,000.

(5) Another basis for election, as suggested by the Government, is in reference to the caste. That the proposal of the Government to create electorates on the basis of caste difference for the selection of representatives to the Legislative Council is highly prejudicial to the public welfare and it is calculated to infuse greater caste distinctions with a new phase of public recognition though among the people themselves no such distinction has hitherto affected the selection of a popular and fit representative.

(6) That the only way to enlarge the council usefully consists in allowing each district or group of districts to select a candidate, and such selection being left to the free will of the electorates to be created on territorial and not on caste basis.

(7) It is not out of place here for me to mention that under scheme (*e*) the number of members may be raised to three instead of two as suggested therein. This, I suggest, in view of the importance that ought to be attached to the land-owning classes. That there ought to be a separate member for landowners other than zamindars, etc., is a self-evident fact and hence such a modification has occurred to me. Janmis of Malabar should be provided with a separate seat as the land tenure obtaining there is different from that obtaining elsewhere. Hence the number is raised by one.

(8) That instead of the caste distinctions meted out in [scheme (*g*) (*h*) (*i*)] I suggest that one place may be reserved to traders, merchants, handicraftsmen, etc. The other conditions may stand.

In conclusion I have the honour to state that measures which are to be adopted now must be practical and calculated to improve the condition of the natives of India and bring them into closer relationship with the paternal Government.

ENCLOSURE No. 3.

Memorandum—from A. LAKSHMIAH RAJU.
To—the Collector of Salem.
Dated—January 1908.

1. *Imperial Advisory Council.*—The council as proposed is not likely to afford much help to Government in matters relating to the administration of the country in their charge and in bringing people into closer relationship with the Government and its officers, which it is the object of the Government to secure. Among the members that are proposed to serve on the council (1) the Ruling Chiefs, of whom there are only a few in this Presidency, are not likely to accept the office or do any real service in the matter. They are as a class secluded in their habits and rarely descend from the heights of their position and mix with the people to be acquainted with their daily life and needs and are therefore not likely to speak with authority on their behalf; nor are the people likely to place confidence in them as the representatives of their interests and communicate freely with them as regards their wants and wishes. Except in a few enlightened States such as Mysore, Travancore, etc., the Ruling Chiefs do not care to acquaint themselves with the needs and wants of their own people and therefore the better class of them or such as they may nominate might with advantage be consulted on matters of general interest. Provision may therefore be well made for securing the aid of such men in the deliberations of the proposed council and considering the small percentage of interests they have to represent, I would suggest that 20 per cent. of the total number proposed might be nominated by the Viceroy from among the class.

2. As regards the territorial magnates, taking the term to mean londholders of sufficient dignity in British India, judging them from the standpoint of the average that may be met with in this Presidency, very few of them are really able to form definite, well thought out and independent views on the important questions of the day and express themselves clearly in English. Very rarely provision is made by the proprietors for the proper education or training of young men under their care and most of them when they grow old are unable to realise their responsibility and adopt measures that would materially advance their own prosperity or the prosperity of the country, or its people. Such of them, however, as are of a better class can well represent the interests of the people; and 20 per cent. of the total number may be chosen from their class, also by nomination by the Viceroy. The remaining number may well be made up by election by the Provincial Advisory Councils either from among their own bodies or from outside, of capable and highly-educated men well qualified by their past training either in administration or their professions to represent the industrial, commercial and other interests. The proposed council in order to serve any useful purpose must receive a statutory recognition. Its constitution and its working should be defined by statute; otherwise they may not be consulted at all and the whole machinery will then exist only in name. They must be called at regular intervals or on stated occasions. They should always be consulted on matters like plague-relief measures, famine-relief operations, development of new industries, technical education, postponement of kists, remission of assessment on dry lands and other similar questions. They should also have the powers of initiative when necessary; for instance, half a dozen members may apply for convening a meeting of the council on matters within the scope of its functions. The decision of the majority shall prevail and it shall not be vetoed by Government except for valid reasons to be recorded by it in writing. The proceedings of the meetings of the council should be public and formal. The fear of public opinion and criticism will afford a wholesome check over the deliberations of the council and ensure the securing of honest and mature conclusions after interchange of ideas and free discussion among members. Of course the opinions of individuals might be previously obtained; but they should receive the sanction of the body before they would be entitled to be acted upon.

Provincial Councils.—In the present state of the country it may not be possible to elect members to represent the several classes of interests referred to by Government in paragraph 6 of its order. Local representation would be the best that could be adopted at present and in order to enable Government to know about the needs and requirements of the people, it is necessary that each district should be represented on the council by one member to be elected, say, by the District Board and the Municipalities together, either from among themselves or from outside. The Government may, however, reserve to itself the right to nominate from about 20 to 30 per cent. of the total strength of the council in view to make special provision, wherever it thinks necessary, for the representation of special interests such as special industry, commerce, capital or professional classes. As in the case of Imperial Council, collective opinion should be taken at meetings held of the members at fixed intervals or for stated purposes.

Legislative Councils—Imperial.—As regards Legislative Councils, the matter stands on a different footing. The Government observes that the elective system now in force has given the legal profession a prominence in the Provincial Councils to which it is not entitled and the landed interest had not received its due share of representation therein. The system of election recognises the principle of efficiency and at least so far as this Presidency is concerned it is not suggested that in consequence of such preference incompetent men have got into the council or that more competent men have been kept out. We want in the council men, who have received solid education and sufficient training and who will be able to study and understand the important questions of the day and be able to discuss and give valuable advice in respect of them irrespective of the class or calling to which they may belong. If it is that a large percentage

of vakils had come to be elected, it is not because that they had secured any undue preference, but that the electorates had confidence in them and thought that they would best represent their interests. It cannot be said that the vakils or the rest that had till now been elected do not represent the landed interests at all. Most of them belong to the middle class and possess substantial interest in land and even when they may fall short of it, they possess the qualifications to study the questions affecting their interests also and have always represented them as well as anybody else can. At any rate it is not urged that there have been instances in which this class of members have allowed the interests of the landed proprietors or of any other class to suffer. As already observed among the class of landed proprietors there are very few, at least in this Presidency, who are educated and trained to do useful work in the Legislative Councils especially; the few that are qualified do not care to stand forth for election; and the Government in exercise of the right of nomination has always been kind enough to recognise them and secure their services by nominating them.

Even if a separate representation is thought necessary, it is as observed by Government in paragraph 14 of the Government Order difficult to "form a constituency by massing together landholders in so large and in many respects so heterogeneous an area as an entire province."

As regards the next proposal to elect a member by the land-holding members of the Provincial Council either from among their own members or from among landholders paying an amount of revenue that may be fixed for becoming a member of the Provincial Council, it is submitted that considering the number of seats that are proposed to be set apart for them in the Provincial Council, which is only two, the number of electors will be very small. The system of nomination suggested as the last course seems to be the best suited to secure, if necessary, representatives of this class.

The second principle on which a change is proposed to be introduced is that of class representation. Every one with the welfare of India at heart is fully aware of the fact that caste difference have been the main cause of the degeneration of India. People have just begun to realise it and are slowly striving towards its regeneration by the attainment of a national unity and the principle of representation now sought to be introduced will be a stumbling block in the direction of progress. Besides it is a deviation from the recognised principles of British administration of preserving strict neutrality in matters of caste or creed. Efficiency should be the test of selection and not the chance of one's following the tenets of a particular creed; and this is the principle recognised in the constitution of every civilised country. If however the Government should at any time find the interests of any community or class at stake, the same could well be set right as has hitherto been done by exercising the right of nomination in favour of a member of that class or community.

Out of twenty-two members proposed under class D and E, each of the Provincial Councils may be permitted to elect two members instead of one, and excluding the two seats reserved for the Chambers of Commerce, Calcutta and Bombay, the remaining six seats may be reserved for nomination by the Viceroy to represent special interests.

Provincial Legislative Councils.—As in the case of the Imperial Council, it is not desirable or necessary to have any class or caste representation at all. In paragraph 21 of the Government Order it is stated that it is not proposed to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils. At present it may not be possible to form constituencies under defined heads of commerce, industries, etc. It would therefore be well to let the District Boards and Municipalities continue to elect members for the Provincial Councils. Out of the 17 non-official members that are now proposed—

One will be selected by the Madras Chamber of Commerce.
One will be selected by the Senate of the University.
One will be selected by the Madras Corporation.
Five will be selected by the District Boards, the total number of District Boards to be divided into five electorates
Five will be selected by the Municipalities, the total number of Municipalities to be divided into five electorates and the remaining.
Four seats may be left to be filled by nomination by His Excellency the Governor to represent the interests of any class or community which in the view of Government may not have been properly provided for.

At present the seats on the Taluk Boards are filled up by nominations and seats on the District Boards are filled by election from the several Taluk Boards. If convenient representative electorates can be formed to elect members for the Taluk Boards also, the system might be introduced and found suitable as a foundation for the election of legislators to the Provincial Legislative Councils.

The proposed property qualifications for voters are very high. Persons paying income-tax on incomes of Rs. 5,000 and above are mostly to be found in Madura district and in Madras. Persons paying land assessment of Rs. 2,000 and above are mostly to be found in the Tanjore district. According to this scale, some of the districts may not be represented at all. I would therefore propose to reduce the scale and include persons paying income-tax on Rs. 2,000 and above and persons paying land assessment of Rs. 100 and above. The other conditions may stand.

ENCLOSURE No. 4.

Letter—from M.R.Ry. M. R. SAMBIAH PANT, Zamindar of Jagadevi, Salem district.
To—the Sub-Collector, Hosûr, Salem district.
Dated—Mardapally, the 22nd December 1907.

With reference to your endorsement No. 1606-Collr. on G.O., No. 886, dated 22nd November 1907, I have the honour to report as follows regarding the important matters of administrative reform contained in the accompanying Government Order on which you were pleased to invite my humble opinion.

2. The Government of India is actuated by the best of intentions. But the proposed mode of giving effect to those intentions by the creation of Advisory Councils appears in my view to be a roundabout process, cumbersome, and altogether undesirable. The machinery of the Government is already too huge and complex to be efficiently managed in all its parts. The proposed Advisory Councils will simply intensify the complexity, without securing adequate advantages in return. The system of Government as it is requires still further simplification, by the division of the country into several principalities and kingdoms, and by placing each of the divisions in the sole and distinct charge of an English Governor or a Native Raja, with one central or supreme Government at the head, advised and directed by a Parliament, composed of members representing the various States. Excepting certain imperial and general questions affecting the whole country which may be reserved for the Central Government, other questions of administration may be left entirely to the discretion of each Governor or native prince aided by his own Council or Councillors. India will thus be a great British Empire consisting of several minor States, each of them having a system of Government of its own and able to move pretty freely in its own sphere. The prosperity of the country and the contentment of the people will then rise by leaps and bounds and with such prosperity and contentment, will rise the pride, glory and strength of Britain. The mistake, to my mind, lies in trying to engraft on this soil the European modes of Government, which mostly tend to give the moneyed and wealthy classes undue eminence and advantage in life, to depopulate gradually the flourishing country places, and overpopulate the towns and generally to increase the struggle of living day by day.

3. Secondly, the proposal to recruit the members of the Advisory Council solely from the moneyed and landed aristocracy of the land is not desirable. They may have the greatest stake in the country. But they do not necessarily constitute the intellectual aristocracy of the land as well. In the words of the Government, "the best mind of the people" should be collected for consultation. The best mind is not necessarily in moneyed classes or the ruling chiefs.

Self-preservation is the first natural human instinct. Next, self-aggrandisement. These two natural impulses may lead the landed aristocracy and moneyed people to anticipate the wishes of the Government and, as far as possible, sail in their boat. The Government will thus have no salutary resisting factor which alone can show it its defects. Between the Government and the landed or moneyed aristocracy, the common people's wants and grievances may be overlooked, and the interests of the middle and lower classes will suffer. I do not mean that there are not among our ruling chiefs and aristocracy very many capable and independent men, but capacity and independence are not virtues confined to their sphere, nor are they, from their elevated positions, competent to realise the abject sufferings of those infinitely lower down in the scale of life.

4. Thirdly, the expediency and propriety of requisitioning the ruling chiefs and nobles of the country to serve as "Imperial Councillors" or as the ministers of the Viceroy or Governor is questionable. Not to speak of the consequent personal inconvenience to them and interference with their legitimate duties in their own sphere, the proposal is one somewhat derogatory to their position. Ruling chiefs have their prestige which must not be impaired by requiring them to travel, deliberate, attend meetings and otherwise enter upon such purely ministerial duties which more properly pertain to men below their rank. If ruling chiefs are to be consulted by executive officers of the Government, then the position of the former will be one subservient to that of the latter. This anomaly must be guarded against. It would be quite different if His Majesty or the Prince of Wales occasionally held a Darbar in this country inviting the ruling chiefs to attend. The Royal Chiefs will be glad to bow to His Imperial Majesty and adorn His Majesty's Council. But it is quite a different thing to expect them willingly to dangle at the heels of Viceroys and Governors for the purpose of merely advising them, with no obligation on the part of the latter to follow such advice.

5. For the foregoing reasons, I am not in favour of the proposed Advisory Councils at all and do not believe that they will answer the ends in view.

6. If, however, it is assumed that they will serve the objects in view and are therefore desirable reforms, I see very little to differ from the views of the Government as to their constitution, etc., which appear to me to be fair and liberal enough.

7. Similarly the changes in view in regard to the Legislative Councils are also fairly good and call for no material alterations.

ENCLOSURE No. 5.

Letter—from M.R.Ry. V. NILAKANTA MUDALIYAR Avargal, Contractor, Hosúr.
To—the Sub-Collector, Salem.
Dated—the 27th January 1908.

The proposed constitution of an Advisory Council is an organ of Government, and a member in its constitution, which the people of India were at a loss to find for the past so many years; for this kind of a body of men always existed by the side of both the Hindus and Muhammadan kings that ruled over the country in the past, the creation or the restoration of this body will be hailed by the people. This sort of Council existed even in the British constitution in times as early as the Norman's "The council of elders." As there is a vast difference in the present administration of the country by the British from the administration of the country by the ancient native rulers, on account of civilization, change of conditions and environments, the "old Councils" which had no legal basis cannot in my opinion form a successful working body. In the first instance I would recommend that this Advisory Council is devoid of all officials; the combination of officials and non-officials among the District Board members has not only not given room for the free display of the powers vested in its non-official members, but has stood, in many instances, in the way of carrying out the objects of the people. The next thing I would suggest is that the Advisory Council should have some legal basis, but for this, the proposed body, I fear, would sink in a very short time of its creation, for the members, when they see that their views are taken but not cared for, will have very little desire to offer their opinion on the next occasion.

2. I am of opinion that there must be two Councils, one Provincial and the other Imperial, the former by the side of every Local Government.

3. Coming to the franchise I would suggest this. Three classes have to be represented—(1) the agricultural, (2) the commercial and (3) the legal professionists. Each of these classes should have equal votes, but separate representation. This will make the separate interests of these bodies represented fairly, their tenure may last for five years, and each member may be made eligible for re-election as proposed.

4. The proceedings of these Advisory Councils should not be kept secret, for in that case they will become irresponsible persons, and once they get themselves elected, they would not care for the body whose nominee they are, and to represent whose interests they were elected. Their proceedings without the sanction of the head of the Government need not have the force of law, but they may be permitted to be published in papers and subject to criticism of the people.

Enlargement of Legislative Councils.—I have very little to add under this head. The Provincial Councils must in my opinion be a better representative of the views of the non-official classes of the population. The proportion of officials and non-officials must be such as to give greater scope for the success of the views of the masses. I almost concur with the views of the Government in the proposed constitution of Imperial Legislative Councils.

ENCLOSURE No. 6.

Notes of opinion of M.R.Ry. U. Venkata Rao Avargal, B.A., Pleader, Krishnagiri, dated 14th January 1908.

It was, no doubt, in a very happy moment that the Government of India thought it fit to recognise that there is a non-official version of affairs relating to British India and that some means should be devised so as to obtain such version in the best manner possible consistent with the present state of the country. No one can fail to notice the sincerity with which the present scheme has been drafted to attain such an end, though many may not agree that the proposed scheme would be capable of yielding the desired result.

2. The past traditions of India are quite in keeping with the idea of gathering a number of leading men of the country for purposes of consultation on affairs of State. The puranas and other quasi-historic legends say that every Raja had always with him a body of Councillors composed of hoary Brahmans, rishis, warriors and the like. King Dasaratha assembled his Council of elders before he could send his son Rama in exile. Janaka consulted his Council before he married his daughter Sita. King Bhoja had also frequent recourse to such bodies. In fact there was no king of puranic fame without his Council. Then, again, it is a matter of history that Kings Asoka, Chandragupta, Vikramarka had such Councils and every student of Indian History knows that Akbar and other Mussalman kings had the help of such men in the administration of their kingdoms.

3. The object of the proposed scheme is twofold, and to quote the very words of the Government Order they are "(1) to draw out opinion (I believe Indian) on measures in contemplation "and (2) to serve as an agency for the diffusion of correct information upon the acts, intentions "and objects of Government."

4. We shall next see how far the proposed scheme would tend to fulfil the twofold objects mentioned above and whether some chief modifications are not absolutely necessary.

5. In the first place, I strongly object to the semi-secret nature that is proposed to enshroud the deliberations of the Councils. The fear of ridicule, the force of public opinion (however crude or low it may be), the sense of responsibility and self-respect when dealing on important affairs with equals--all these and many more would always safeguard the actions and speeches of public men in open deliberations. Without them, and with the guarantee of secrecy, public men (who are only human) would be apt to forget their responsibility and many who may have an object in trying to please officials and who may not have the courage of their connections would certainly blindly follow the behests of the officials. Open discussion alone would make men fit for public life and would enable members to exchange each other's thoughts and opinions and to suggest timely and efficient alterations and modifications besides saving a lot of unnecessary and imperfect correspondence.

6. In the next, I would submit that the officials should find no place at all in the proposed Councils, both Imperial and Provincial. It should be composed solely of non-officials, consisting, say, two-thirds of elected men and one-third of Government nominees. An admixture (and a majority also) of officials would only make the body a duplicate Legislative Council, where subjects on which the Government has already settled a course of action are brought in by way of form and discussed no doubt with some show of vehemence, but all the same with only one result and I need not say what it is. Of course, such non-official Councils must have the assistance of a few officials in furnishing information, etc.

7. The first of the twofold objects of the Government (*vide* paragraph 3 of my notes) can be obtained only by having such a purely non-official body and the second will best serve the avowed purpose by making its deliberations public. A non-official Council empowered to discuss State affairs openly would best fulfil the said two functions, whereas a Council composed of a majority of officials conducting its proceedings in camera would totally frustrate the object with which this whole scheme has been designed.

8. In the matter of election of a large fraction, say, two-thirds or three-fourths of the suggested non-official Council, the franchise should never be based on castes or creeds. Provinces or districts, trades and professions, Municipalities and District Boards, should form the basis. It is also essential that the landed proprietors should be fairly represented but the foisting up of titled magnates would be very undesirable. Many such would feel their position very invidious and many more would try to remain in the good graces of the Government. The remaining fraction should be left to the Government for nominating additional men to represent special or unrepresented interests and for expert advice.

9. Then again certain affairs and subjects should be allotted to such Councils, and to begin with certain minor items may be entrusted to them and this may be extended as the scheme ripens and the state of the Council makes it fit to receive. To safeguard the interests of Government, the power of veto may vest with the Government.

10. If the Government decides that the proposed Councils should be composed of officials and non-officials, I would submit that (the avowed object being the draining out of correct non-official version) it should be composed of an equal number of officials and nominees of Government and representatives of Chamber of Commerce on the one hand, and elected non-official members on the other. For any majority of Government men and Europeans would not enable the Government to obtain the correct and unadulterated version of non-official members on matters of State. The result of the deliberations of such a body would be perfectly harmless so long as the power of veto rests with the Government.

11. I would also submit that in the proposed scheme the status for the franchise has been kept very high and in India where liberal education has not made large strides, it is very necessary to keep it low so that we may act shut not capable men who are not endowed with large items of revenue or income.

12. With regard to the Legislative Councils, I submit that I have nothing to suggest except to say that so long as the Government finds it necessary to maintain its majority, any additional scheme for mere talk and verbal discussion would be useless. I know hardly any instance in which the non-official Legislative Council members have been able to have their opinions recognised much less carried into effect, unless they be of a trivial nature. No doubt, the powers of interpellation and discussion of the budget operate in a way as a wholesome check, but it is very little and many times it is only a cry in the wilderness.

13. In the end, I would conclude by saying that the proposed Councils should be composed purely of non-officials and that their deliberations should be public. We may also do well to observe the success, though partial it might be, of the " Representative Assembly " of Mysore, the " Srimulam Popular Assembly of Travancore."

14. I would also suggest a few changes in the present administration of the country—

(*a*) The gradual separation of the executive and the judicial functions.

(*b*) The curtailment of the revenue jurisdictions, so that the officer may be enabled to be in touch with the people in their charge.

(*c*) The formation of small consultive bodies for each district and to begin with at each jamabandi camp. A day or two may be set apart for the jamabandi officer to meet the village officers and chief ryots of the villages that have been posted for settlement and an informal council may be held when the local affairs may be discussed and grievances heard. The jamabandi officer may make a note of them and submit a brief narrative thereof with his remarks along with his jamabandi report.

(*d*) The enlargement of the powers of Municipalities, and the freedom of the Local Boards from official control, subject power to the veto of the administrative head of the district or division.

(*e*) The frequent publication and *free* distribution of vernacular pamphlets on subjects of general and public interest, such as agriculture, sanitation, epidemics, etc.

(*f*) The establishment of minor technical schools in each district.

(*g*) A permanent settlement and what is equally essential a permanent survey.

(*h*) More practical sympathy for the Indians.

ENCLOSURE No. 7.

Letter—from K. SESHAGIRI RAO, Mittadar of Kambainallur.
To—the Head Assistant Collector, Tiruppattúr.
Dated—Kambainallur, the 30th December 1907.

With reference to your letter No. 1554-2, dated 16th December 1907, I have the honour to append herewith my remarks on the memorandum regarding the establishment of the Advisory Councils and the enlargement of the Legislative Councils. Your letter reached me only on the 21st instant, and I had hardly time enough to bestow my fullest thought upon an important subject as this. I have done my best within the limited time allowed. My suggestions are given below *seriatim* with reference to the paragraphs of the memorandum wherever necessary.

I. Imperial and Provincial Advisory Councils.

1. *Imperial Advisory Councils.*—In paragraph 5 of the Government of India letter No. 2310, dated 24th August 1907, read in G.O., No. 886, Public, dated 22nd November 1907, it is stated that the appointment of all the members of the Imperial Advisory Councils should be made by the Viceroy. As it is, it does not appear on what principles the appointments have to be made. The selection should be one based not on arbitrary choice of the Viceroy, as then it would frustrate the very object of the establishment of the Councils, but it should be one based on elective principles.

2. As regards the strength of the Council, I am of opinion that the number 60 fixed by the Government of India is inadequate and would not be fairly representative, considering the vastness of the Indian Empire as also the diversities of caste, creed and agricultural systems prevailing in it.

3. As tentatively fixed, a third of the number is set apart for the ruling chiefs, and the remaining forty has to be distributed throughout the several provinces. Therefore to ensure a fair representation of the different provinces and the different classes of subjects, the number may be increased; and it may be made up by a sufficient number of men being chosen by election in the various districts of the province and the Local Government might choose, from out of these, the required number for the Imperial Advisory Council.

4. It is highly desirable that the subjects on which the Advisory Councils will have to be consulted should be specified and defined by rules framed beforehand.

5. Each "Imperial Councillor" will have to make occasional tours through the province which he represents and prepare a memorandum of notes bearing on the requirements of the country. In the event of more than one councillor being appointed for one province, it may be divided into territorial jurisdictions between them for the purposes of touring. Each "Imperial Councillor" will have to take advice from the member or members of the Provincial Advisory Councils of the territory in which he is touring. He shall not wait till called for to give advice, but shall from time to time communicate in writing any important matter affecting the well-being of the subjects and requiring the immediate action on the part of the Government.

6. *Provincial Councils.*—Each district must have at least one Provincial Advisory member to represent it, he being elected by a meeting to be held at every taluka station by the influential landholders, etc.

7. The term of office and other conditions mentioned in paragraph 5 of the Government of India shall *mutatis mutandis* hold good in the case of these members.

8. As to the work devolved on these members it would be the same as that devolved on the "Imperial Councillors," even in his limited area. He shall also communicate from time to time with the "Imperial Councillor" of his province, and supply him with the necessary information gathered in his tours bearing on the condition, etc., of the people.

II. Imperial Legislative Councils.

1. It is not clear why the nomination of the membership of this Council is limited to one only among ruling chiefs of India. I would suggest that at least one chief for each Presidency and Local administration should have a seat in this Council.

2. In paragraph 14 of the letter from the Government of India, Rs. 10,000 is fixed as the minimum land revenue giving right to vote. But in many cases it may so happen that a qualified voter be not found in an electorate which will therefore be unrepresented. Therefore I would suggest that the limit for the land revenue qualification may be reduced to Rs. 5,000.

III. Provincial Legislative Councils.

I would add that a person shall also be disqualified, if he is suffering from any cutaneous or any other contagious diseases.

Advisory Councils.

The proposed establishment of Advisory Councils, both Imperial and Provincial, is no doubt laudable provided that each district is represented in the Provincial Council and the required number of Imperial Advisory councillors are elected from the district representatives who should very necessarily be landholders, capitalists, merchants and professionals. In this connection I should also suggest that the constitution of District Advisory Councils is very essential so that the Collectors may have the benefit of associating with non-official Indians in matters such as administration of forest, irrigation, plague, famine, etc.

While disagreeing with the Government that territorial representation is unsuited to India, I am of opinion that any other method of representation would hamper the object of giving the people a wider scope to put forth their grievances. The principle of the Government of India that an electorate from 100 and more may be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year is, I think, too high a standard for this Presidency as there are only about 90 zamindars paying a peshkash of Rs. 10,000 a year out of about 850 zamindars who own partible and impartible estates which are distributed among a few of the districts in the Presidency.

The proposal of having ruling chiefs in the Imperial Council is, I am of opinion, unnecessary as they have no common interest with the populace outside their respective territories.

Extract from the letters of the Hon'ble Mr. Krishnan Nair :—

Provincial Legislative Councils.

The Government of Madras have according to the memorandum which they have prepared withdrawn this privilege from the District Board and Municipal Councils of this Presidency. This is a retrograde step. A redistribution of the franchise is undoubtedly necessary in this Presidency as well as in other parts of India. But no class of persons now entitled to exercise it should be deprived of it unless it be shown that they deliberately misused it.

It is necessary that in Local Legislative Councils also the number of non-official members must be at least as large as that of the official members including His Excellency the Governor.

Here again as was suggested with reference to the Imperial Legislative Council His Excellency the Governor may be vested with the power vetoing any resolution or measure passed by a majority in the Council.

In addition to the number that may be nominated by His Excellency for the protection of special interests and minorities and those that may be elected by special interests and minorities and those that may be elected by special bodies such as the Madras Chamber of Commerce, the Senate of the University and the zamindars, there must be at least one member representing each district in the Presidency. These district representatives should be allowed to be chosen by the people themselves. Territorial representation seems to me to be suited to the circumstance of the country.

Under the scheme special representatives are allotted to lawers. Brahmans, Muhammadans and Christians. It is difficult to understand why a separate seat is allotted to Barristers, Advocates, Vakils and certificated pleaders. These members of the legal profession have as such no special interest to represent in the Legislative Council. Lawers if they happen to be members of the Legislative Council will represent the landed, commercial or other interests. In any case there is no necessity for allotting a separate seat to the profession of law. The division of people by caste and creeds for the purpose of representation in the Legislative Council is highly objectionable in principle. There are no caste and religious interests in the Legislative Council.

There are no separate schools and colleges for Brahmans and non-Brahmans, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu which described different punishments for the same offence according to the caste to which the offender belonged.

It is too late in the day now to ask the people to go back to their caste organizations or to reconstruct them for the purpose of election of members to the Legislative Council.

To make caste system the basis of political franchise is, I submit, a grave blunder. Then again six seats are allotted to "all other persons together". Apparently what is meant by "all other persons" in the scheme is the non-Brahman Hindus of this Presidency. If this be the correct interpretation of the expressions "all other persons", then the principle underlying the grouping of all non-Brahman elements in the Presidency which are divided and sub-divided into numerous sects and sub-sects under one head is not clear. These sects and sub-sects are as widely apart from one another as the Brahman and the Muhammadan or the Christian. There is also considerable practical difficulty in working out the scheme. To group all members of all caste throughout the Presidency in one electorate will be highly unsatisfactory. That all the members of caste from the northernmost limits of Ganjám to the southernmost limits of Tinnevelly can be represented by one gentleman will be still more unsatisfactory.

The suggestion that no person shall be qualified to be a candidate for election by a body class or caste unless he be a member of that body class or caste is, I think, also not a good one.

The pecuniary qualifications giving a person the right of voting are fixed too high. It will have the practical effect of excluding from the Council men of light and leading among the middle classes who are thoroughly able and willing to serve in the Legislative Council. A very large majority of the people in this Presidency who are qualified by their education to exercise the right of voting do not come up to the property limit fixed above.

The Government of India say that, for the purpose of forming the Muhammadan electorate, all who pay a land revenue in excess of a certain amount which should in all cases be sufficiently low to embrace the great body of substantial landholders may be given the franchise. This amount, I think, may reasonably be fixed at Rs. 500. The Government of India further observe that, for the purpose of Muhammadan electorate, all payers of income-tax, *i.e.*, all those who receive an annual income of Rs. 1,000 a year, may also be given the right of voting. This qualification may also be fixed for the purpose of electors in general irrespective of caste or creed. The third suggestion of the Government of India with reference to Muhammadan electors, namely, that all graduates of an Indian University of a particular standing, say five years, should also be given the right of voting may be made applicable to the voters and candidates of all classes.

Discussion of the Budget in the Legislative Council.

The non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget.

Here again as a safeguard the head of the Government may be invested with the power veto in cases of necessity.

Enclosure No. 8.

Letter—from Rev. A. Moses, Minister, Tiruppattúr.
To—the Head Assistant Collector, Tiruppattúr division.
Dated—31st December 1907.

With reference to your letter, dated the 16th instant, enclosing papers connected with the proposed Indian reforms, I have the honour to state as follows.

The view of the Government that the needs and sentiments of the masses of the people must find expression in the Councils of the country is praiseworthy and capable of doing immense good to them, but the way in which the Government intend doing it is not, in my humble opinion, calculated to do much good to these masses of the people. No reform can be of much use unless the interests of the masses of the people are really represented.

In the present illiterate condition of those masses, it is impossible for them to elect their own representatives and extremely difficult for us to suggest any real way of getting them represented. It is quite true that no scheme of constitutional reform would be proper unless provision is made for representing the landed aristocracy of India, mercantile and industrial classes. No one can object to their occupying some of the seats in the Council, but to expect them to represent the masses is not advisable, as their interest clash with those of the masses, especially the agricultural classes that form nearly 70 per cent. of the population of India. I do not truly mean to say that the money-grabbing lawyers will really represent them. As we have no other means and as the Government have come forward at such an incompletely advanced state of the country to do things for which it is yet ripe, we are obliged to fall back upon the Indian aristocracy and the educated middle class to represent them.

Out of the lines chalked out by the Government on page 4, No. 3 states "that the Council should consist of about 60 members for the whole of India, including about 20 ruling chiefs and as suitable members of territorial magnates of every province where landholders of sufficient dignity and status can be found." It is not agreeable to see that the Indian Imperial Council should consist of members of the aristocratic classes alone. I cannot also understand

why the ruling chiefs should be taken unless it be that they are to represent their own interests. The territorial magnates referred to are still in a state of semi-consciousness and have not yet been awakened fully to the blessings of basking in the academical sunshine. There is no doubt that a man has to be an all round man to occupy a seat in the Council. He must surely know English. If not he will simply join the chorus of "Yes" or "No" without doing any good either to the class he belongs or the class which he has been asked to be a representative. I am therefore forced to say that No. 3 may be so modified as to allow a certain member of the middle class in the "Imperial Advisory Council".

The number of such men, whether elected or nominated, may be left to the discretion of the Government.

I am of opinion that, under the present circumstances of the country, the Government are right in basing their principle of division in the matter of representation upon the question of minorities and special interests. In this continent of India where there are so many diverse and antagonistic interests, every class should be represented. There is a talk that such distinctions are not necessary, but when we consider the fact that in India the classes always have put forward their claims to unjust privilege whenever opportunities occurred we become doubly impressed with the necessity for class representation.

I also think that the country has not so far advanced as to dispense in the necessity of always maintaining an efficient majority.

In conclusion I beg to suggest that it must be made a rule that no member should be entitled to offer himself as a candidate unless he knows English. In saying so, I do not mean to attach very great importance to that kind of education which the University now gives in vain without moulding the character of its students.

ENCLOSURE No. 9.

M.R.Ry. T. Adinarayana Chettiyar's opinion (Salem district).

1. As regards the institution of Advisory Councils, I submit I am not convinced they will serve any useful purpose. The fact that these bodies are purely consultative having no legislative recognition will not attract the best class of people nor will the opinions expressed by such a body likely to be the result of any great sense of responsibility. While the inclusion of ruling chiefs and territorial magnates in such councils is not a thing acceptable to the people—for, these do not represent any interests except perhaps their own—these magnates themselves may not relish the idea very much. The greater chiefs may think it beneath their dignity to associate with the lesser magnates.

2. In the scheme for the expansion of Legislative Councils much stress is laid on property qualification of the electorate. I am, however, of opinion that a combined property and educational qualification will ensure a fairer and truer representation. For, unfortunately in this country, unlike in other civilised countries, from the middle classes upwards real education is in the inverse ratio of possession of riches.

3. While I agree with the Government in thinking that the qualifications for the electorate that returns members to the municipal and local boards ought to be raised, I believe that such rise should be gradual and that in fixing the qualifications the advantages of the combined property and educational qualifications should not be lost sight of. The existing relationship between the local boards and municipalities with the provincial Legislative Council ought to be retained. It enhances the prestige of such institutions and helps to attract the better classes of the people to serve on them. It is moreover a well-known principle that election by elected bodies secures a better qualified set of men than direct election or nomination.

4. As for the allegation that certain professional classes have hitherto monopolised the seats in these councils, I submit that an examination of similar institutions in other parts of the world would reveal a similar state of affairs. As the Government gracefully recognise the growing importance of the educated classes, I trust they will not do anything to discourage such classes and thereby put a discount on education and the possession of real qualities for political life.

5. Before concluding I may be allowed to enter my protest against the idea of racial representation in the Legislative Councils. Questions affecting such special interests rarely, if ever, come up before these councils for determination. Should however such occasions arise they may be referred to select committees of the Provincial Advisory Councils. It should be the aim of Government to promote the tendencies of people that make them forget caste or race differences. Nor can a backward caste or race be benefited in the long run by such special treatment. The advance must proceed from inside—to be long-standing and beneficial.

6. The maintenance of the official majority need not, in my opinion, be insisted on. An equal number of seats might, in these councils, be reserved for official and non-official members and the power of veto if vested in the President would prove to be an ample safeguard to save an occasional situation that may arise.

Enclosure No. XV.

Letter—from the Hon'ble Mr. J. N. ATKINSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 28th July 1908.
No.—605, Public.

I am directed to refer to my letters No. 222, Public, dated 13th March 1908, and No. 357, Public, dated 28th April 1908, so far as they deal with the formation of Provincial Advisory Councils and Representative Assemblies. Page 1. Page 12.

2. Paragraphs 4 and 6 of my letter of the 13th March 1908 were devoted to a full exposition of the opinions elicited from the leading and the best informed men of Southern India and of the conclusions which had been formed by the Madras Government, after the most careful consideration of the scheme advanced by the Government of India, in regard to the constitution and functions of the proposed Provincial Advisory Councils. The adverse criticisms of that scheme that were submitted to the Governor in Council seemed to him so cogent and came from so large a majority of those consulted that it was difficult to avoid the conclusion that, in the form outlined by the Government of India, the Councils would not realise the purpose desired. It was clear that for the success of a constitutional innovation of such moment and of such far-reaching possibilities popular approval was, if not essential, at least of the highest importance. His Excellency in Council was moreover greatly impressed by the force of much of the criticism levelled against the scheme. The conclusion therefore at which he arrived was that an Advisory Council would not be suited to the conditions of this Presidency. Pages 2 and 3.

3. It became necessary then to consider whether any alternative and more promising plan could be devised to carry out the objects aimed at in proposing the Provincial Advisory Councils, and it was in these circumstances that the proposals roughly sketched in paragraph 7 of my letter under reference were put forward. Those proposals have not been submitted for public discussion and originated at a comparatively late stage in the consideration of the Government of India's scheme, after it had become manifest that that scheme would not be approved by the Madras public. They were advanced as an alternative suggestion based not on practical experience in this Presidency, but on observation of similar institutions in the States of Mysore, Travancore and Pudukkóttai. His Excellency in Council was indeed fully conscious that institutions suited to those States were in many respects inappropriate to the very different circumstances of the Madras Presidency. The practical difficulty caused by the large population and distinct linguistic divisions of the Presidency which would necessitate the creation of more than one Provincial Advisory Council has been already referred to in my former letters. The Government would have preferred to utilize and if needs be adapt an institution—if such could be found—either native to the Presidency, or one to which the people had become habituated. Page 5.

4. Since the despatch of my letters quoted above, His Excellency in Council has continued to give the subject his most careful consideration, and has come to the conclusion that a far more simple solution of this difficult problem can be found. This solution has presented itself in the course of the investigation of a scheme for the revision of the system of election to municipal councils and taluk boards and for enlarging the powers of those bodies. The details of these proposals have not been finally settled, but it may be generally stated that it is intended to introduce an elective system into the constitution of these boards and thus to remove the objections which are from time to time raised against the system of nomination.

5. In the municipalities of this Presidency a system of election has long been in force under the provisions of the District Municipalities Act, but experience has shown that, owing perhaps to a defective formation of the electorates, the elections have in most municipalities ordinarily excited little or no interest, the result at any rate being that the best candidates have not come forward. It is proposed to revise the franchise in the different municipalities It is hoped that this measure, together with the proposals to allow municipal councillors as an advisory body more voice in public affairs affecting their town than they now exercise, will induce the leading citizens to stand for election.

6. The taluk boards in this Presidency consist of nominated members. The Madras Local Boards Act contains statutory provision for the election of taluk board members by the people, but hitherto the elective system has not been introduced. It is now proposed that a large proportion, which would however vary according

to local conditions, of the members of the taluk boards should in future be elected, so that the boards would include elected representatives of those classes of the population, for whose representation it was the object of the scheme of assemblies roughly sketched in paragraph 7 of my letter No. 222, Public, dated the 13th March 1908, and more fully in my letter No. 357, dated the 28th April 1908, to provide.

Page 5.
Page 12.

7. The majority of the district board members will be elected by the members of the taluk boards from among their number in accordance with the existing custom, but the Government propose to debar Government officials from standing for election. The members of district boards who are elected by the taluk boards will therefore be no longer the nominees of Government but the elected representatives of the people.

8. In the district board there will thus be ready at hand an Advisory Council (consisting mainly of elected representatives of the people) who in addition to carrying out the administrative functions now prescribed by law can by executive order be constituted an advisory body to advise the Collector in all matters of public concern affecting the local area to which they belong. In like manner the municipal councils will form advisory bodies so far as questions affecting the municipal areas are concerned. The taluk boards might act in a similar capacity to the Divisional Officer.

9. Already the Legislative Council acts to a very large degree as an Advisory Council to the Government. The plan recently adopted of inviting non-official members to meet the Members of Council and the principal Secretaries to Government and heads of departments and discuss informally the various items of the budget before its final adoption by the Government and publication (a plan which it is proposed to make permanent) gives to non-official members an opportunity in private conference of learning, criticising and advising on the policy of the Government. The debate on the budget itself gives another and a public opportunity of doing so. Moreover, the practice now in vogue of consulting members individually in regard to impending changes of any moment, whether legislative or administrative, makes the Legislative Council ever more and more an Advisory Council to the Government. The proposed enlargement of the Legislative Council will, it is hoped, result in securing the representation of a greater number of classes and interests. The criticism and advice given to Government will thus be more varied and more valuable.

10. With the Legislative Council on the one side to advise the Central Government and with the local boards and municipal councils on the other side in their advisory capacity to advise the officials who are responsible for the administration in the districts, the necessity for the creation of such a body as a Popular Assembly disappears to make room for a simpler and less unwieldy contrivance.

Page 9.

11. In paragraph 10 of my letter of March the 13th I spoke of the reluctance with which this Government felt compelled to abandon the proposal to form a larger number of smaller territorial constituencies returning elected members to the Legislative Council. At present the Presidency is divided into two halves, the district boards in each half electing one member and the municipalities in each half electing another member, four members being thus elected by local boards and municipalities. It will be remembered that it was proposed to allow two members to be nominated to the Legislative Council by the Popular Assembly or Assemblies. With the non-formation of these assemblies two more seats will be available to be filled by election. This will enable the Presidency to be divided into electoral areas of substantially smaller dimensions than those into which it is at present divided. This is a result very much to be desired. The Government of Madras are not at this moment prepared to give details of the scheme of division. But I may say generally that it is proposed to divide the Presidency into six constituencies and to allot one seat to every three or four districts giving to each district board, taluk board and municipality one vote. These proposals are, however, subject to future modification.

12. In these circumstances I am directed to say that His Excellency in Council, after further thought and consideration, would prefer to put forward the proposals indicated in the above paragraphs as an alternative to the Government of India's scheme for a Provincial Advisory Council sketched in Home department letter No. 2310, dated 4th August 1907, rather than the proposals made in paragraph 7 of my letter No. 222, Public, dated the 13th March 1908.

Page 5.

ANNEXURE A

TO

LETTER No. 222, PUBLIC, DATED 13TH MARCH 1908.

OPINIONS.

		PAGE
I.	Sir V. Bhashyam Aiyangar, *Kt.*, C.I.E., Diwan Bahadur, late Officiating Advocate-General and retired Judge of the High Court of Judicature, Madras	25–30
II.	M.R.Ry. Diwan Bahadur P. Rajaratna Mudaliyar Avargal, C.I.E., retired Inspector-General of Registration	30–32
III.	The Madras Landholders' Association	32–34
IV.	The Madras Chamber of Commerce	34
V.	The Corporation of Madras	35
VI.	The South Indian Landholders and Trades Association, Madura	35–37
VII.	The Anglo-Indian Association of Southern India	37
VIII.	The Maharaja of Bobbili	38
IX.	The Raja of Venkatagiri	39 & 40
X.	The Hon'ble Raja Vasudevaraja Valianambidi of Kollengode, Malabar	40–45
XI.	The Hon'ble Nawab Muhammad Raza Khan, Khan Bahadur, retired Collector and present Member, Legislative Council	45–47
XII.	The Hon'ble Mr. M. Krishnan Nayar, High Court Vakil, Member, Legislative Council	47–54
XIII.	The Hon'ble Mr. V. Krishnaswami Aiyar, High Court Vakil, Member, Legislative Council	54–59
XIV.	M.R.Ry. Diwan Bahadur L. A. Govindaraghava Aiyar Avargal, High Court Vakil, Ex-Member, Legislative Council	59–63
XV.	The Hon'ble Mr. C. K. Srinivasa Rao Avargal, High Court Vakil, Member, Legislative Council	64–69
XVI.	M.R.Ry. C. Vijiaraghava Chariar Avargal, Ex-Member, Legislative Council	69–77
XVII.	R. C. Dutt, Esq., C.I.E., I.C.S., retired	77 & 78
XVIII.	M.R.Ry. Diwan Bahadur Raghoonatha Rao Avargal, retired Deputy Collector in the Madras Presidency, Ex-Minister of Indore	78–83
XIX.	M.R.Ry. Diwan Bahadur A. Venkataramana Poi Avargal, retired District Judge	83 & 84
XX.	The Board of Revenue, Madras	84–90
XXI.	The Hon'ble Mr. J. Twigg, I.C.S., Member, Board of Revenue	90–93
XXII.	The Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., Director of Public Instruction	93 & 94
XXIII.	The Hon'ble Mr. J. N. Atkinson, C.S.I., I.C.S., Acting Chief Secretary to Government	94–98
XXIV.	The Hon'ble Mr. A. G. Cardew, I.C.S., Secretary to Government, Revenue Department	98 & 99
XXV.	M.R.Ry. Diwan Bahadur N. Subramanyam, Administrator-General of Madras	99 & 100
XXVI.	H. F. W. Gillman, Esq., I.C.S., Collector of Madura	100–102
	(1) The Madura District People's Association	103–106
	(2) R. Fischer, Esq., Proprietor, Madura	106–109
	(3) The Rev. J. P. Jones, American Mission, Madura	109 & 110
	(4) Moulvi Saiyid Abdul Khadar Ibrahim Sahib, Town Khaji, Madura	110 & 111
XXVII.	L. E. Buckley, I.C.S., Collector of the Nilgiris	111 & 112
XXVIII.	J. G. D. Partridge, Esq., I.C.S., Collector of Ganjám	112–115
	(1) Zamindar of Vizianagram	115 & 116
	(2) Zamindar of Serugada	116
	(3) Raja of Kallekote and Attagada Estates	116 & 117

PAGE

(4) Zamindar of Dharakota 117
(5) Zamindar of Bodogodo .. .. 117 & 118
(6) Zamindar of Surangai 118
(7) Parlákimedi Municipality 118–120
(8) M.R Ry. J. Ramayya Pantulu Garu, Deputy Collector, Goomsur Division 120
(9) M.R.Ry. T. Venkatakrishnayya, High Court Vakil 121–128

XXIX. A. Butterworth, Esq., I.C.S., Collector of Trichinopoly 128–130
(1) M.R.Ry. A. Vadachalam Aiyar Avargal, Deputy Collector, Musiri .. .. 131 & 132
(2) M.R.Ry. T. Dasikachariar Avargal .. .. 133 & 134

XXX. M. Aziz-ud-din Khan Sahib, Khan Bahadur, Collector of South Canara 134–137
(1) M.R.Ry. Diwan Bahadur A. Pinto Avargal, retired Deputy Collector 137–139
(2) M.R.Ry. D. Anantayya Avargal, retired Deputy Collector .. .. 139 & 140
(3) M.R.Ry. N. C. Krishna Bhat Avargal, Vakil 141–144
(4) Muhammad S'hamnad Sahib, Landholder, Kasaragod .. 144 & 145

XXXI. R. H. Shipley, Esq., I.C.S., Collector of Coimbatore 145–150

XXXII. R. A. Graham, Esq., I.C.S., Collector of Bellary 150–152

XXXIII. P. S. P. Rice, Esq., I.C.S., Acting Collector of North Arcot .. 152–154
(1) Raja of Kálahasti 154–156
(2) Zamindar of Kangundi 156–158

XXXIV. L. M. Wynch, Esq., I.C.S., Collector of Tinnevelly 158–164

XXXV. W. Francis, Esq., I.C.S., Collector of Malabar 165–170

XXXVI. J. P. Bedford, Esq., I.C.S., Acting Collector of Tanjore 170–172
(1) G. H. B. Jackson, Esq., I.C.S., Acting Sub-Collector, Kumbakónam 173–175
(2) M.R.Ry. Rao Sahib T. Raghaviah Pantulu Garu, Personal Assistant Deputy Collector, Tanjore .. .. .. 175 & 176
(3) M.R.Ry. R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad 176–178
(4) M.R.Ry. V. A. Vandayar Avargal, Pundi .. .. .. 178 & 179
(5) M.R.Ry. N. Krishnaswami Aiyangar Avargal, High Court Vakil, Kumbakónam 179–182
(6) M.R.Ry. K. Chidambaranatha Mudaliyar Avargal, Shiyali .. 182–184
(7) M.R.Ry. A. M. Periyaswami Muthia Udaiyar, Perumpanniyur, Nannilam taluk 184–186

XXXVII. J. A. Cumming, Esq., I.C.S., Collector of Gódávari 186–188
(1) Raja of Pithapuram 188–192
(2) Zamindar of Kottayam estate 192
(3) M.R.Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman, Cocanada Municipality .. .. 193 & 194
(4) M.R.Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder, Rajahmundry .. .. 194 & 195
(5) M.R.Ry. G. Lakshmana Garu, High Court Vakil and member, District Board, Gódávari 195–199
(6) M.R.Ry. V. Ramachandra Rao Avargal, Treasury Deputy Collector 199–201

XXXVIII. F. C. Parsons, Esq., I.C.S., Acting Collector, Vizagapatam .. .. 201 & 202
(1) M.R.Ry. Diwan Bahadur V. Ananta Rao Pantulu Garu, Audit Officer, Vizianagram estate .. .. 202 & 203
(2) M.R.Ry. K. Ramanuja Chariar, M.A., B.L., Principal, Maharaja's College, Vizianagram 203–205
(3) M.R.Ry. Akella Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam 205–210

I

Letter—from Sir V. Bhashyam Aiyangar, *Kt.*, c.i.e., Diwan Bahadur, late Officiating Advocate-General and retired Judge of the High Court of Judicature, Madras.
To—the Acting Chief Secretary to Government.
Dated—the 15th February 1908.

I have the honour to acknowledge the receipt of your letter, dated 22nd November 1907, regarding the proposed establishment of Advisory Councils and enlargement of Legislative Councils and to forward herewith enclosed my note on the subject.

Note by Sir V. Bhashyam Aiyangar on the proposed enlargement of the Legislative Councils and establishment of Imperial and Provincial Advisory Councils.

In my opinion the enlargement of the Legislative Councils subject to the condition that it shall be "essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by occasional absence of an official Member" will be a step much to be deprecated. Nor is it desirable that in advanced Provinces of British India, Advisory Councils should be formed without any statutory basis, the members of which are to be consulted by Government either individually or collectively or by means of Committees appointed from amongst their number.

Both under the Indian Councils Act of 1861 and under the Indian Councils Act of 1892, the Governor-General in Council and the Governors in Council of Fort St. George and Bombay, in exercising the power of making laws and regulations vested in such Councils, respectively, are to consist not only of the Governor-General, the Governor of Fort St. George or the Governor of Bombay as the case may be and the ordinary Members of his Council, but also of certain additional Members whether in the service of the Crown in India or not, the minimum and the maximum numbers of such additional Members having been originally prescribed by the Act of 1861 and since raised by the Act of 1892. The functions of a Government are both executive and legislative and the power of making laws and regulations is no less an important function of Government than its executive functions, and the fundamental principle of the British Indian constitution is, that the Indian Government in exercising its important function of legislation should consist not only of the individuals in whom the executive functions of Government are vested but of a certain number of additional individuals who, in so far as the passing of laws and regulations is concerned, form as much a component part of Government as the former body of individuals. The only difference between ordinary Members and the additional Members is, that the former form a component part of Government not only when the Government is discharging its legislative functions, but also when the Government is engaged in discharging its executive functions, whereas the additional Members form a component part of Government only when the Government is engaged in exercising its legislative jurisdiction. It is therefore opposed to the very constitution of Indian Government that at meetings of the Council for the purpose of making laws and regulations, the individuals composing the executive Government should be regarded or that they should assert themselves, as *the* Government, or as a component part of the Council separate and distinct from the additional Members of the Council.

Up to 1834, the executive and legislative functions of each province were vested in one and the same body of individuals constituting the respective Governments and by 3 and 4 William IV, chapter 85, the Governments of Madras and Bombay were substantially divested of their legislative functions and the Governor-General and his Councillors were empowered as the central legislative authority to legislate for the whole of British India, the duty of one of such Councillors, namely, the fourth ordinary Member, being confined entirely to the subject of legislation with no power to sit or vote except at meetings for the purpose of making laws and regulations.

Thus for the first time the principle was introduced of enlarging the Council of the Governor-General by the addition of a Member, a paid official, who formed a part of Government for purposes of making laws and regulations only. This principle was further developed by 16 and 17 Vic., c. 95, by which, the Chief Justice and a Puisne Judge of the Supreme Court of Calcutta, as well as four official representative Members chosen by the Governments of Bengal, Madras, Bombay and the North-Western Provinces formed additional Members of the Governor-General's Council for the purpose of making laws and regulations only, and the fourth ordinary Member of the Governor-General's Council was, like the other ordinary Members, given a right to sit and vote at executive meetings. Under the Indian Councils Act of 1861, legislative powers were restored to the Provincial Governments and it was provided that for purposes of making laws and regulations the Councils of the Governor-General, as well as of the Governors of Madras and Bombay were to be reinforced by the appointment of certain additional Members, officials and non-officials. It will thus be seen that from 1833 to 1853 there was one additional official Member in the Governor-General's Council and from 1853 to 1861 there were six additional Members in that Council, who were all officials. Such additional Members were

undoubtedly, for purposes of legislation, as much a part of Government as the ordinary Members of the Council, and it was only under the Indian Councils Act of 1861 that provision was made for the appointment as additional Members of non-official persons also and under the Indian Councils Act of 1892 not only was the number of additional Members increased, but provision was also made for the introduction of an elective or quasi-elective principle in the nomination of such additional Members. But the introduction into the Council of non-official Members either by direct nomination, or by election under statutory rules subject to the approval of the Governor-General or Governor as the case may be, can in no way affect the constitutional aspect of the question, namely, that all additional Members, whether official or non-official, whether nominated or elected, are the colleagues of the Governor-General or the Governor and of the ordinary Members of his Council and as such form a component part of the Government in the exercise of its legislative functions, and there is nothing in either of the said statutes affecting the status of the Legislative Council as *the* Government for the purpose of making laws and regulations.

Another cardinal principle of the Constitution is that not less than one-half of the persons nominated as additional Members of the Council including the Advocate-General for the time being shall be non-official persons and that the seat in Council of a non-official Member accepting office under Government should be vacated on such acceptance, there being however no corresponding provision that an official additional Member vacates his seat on ceasing to be an official. Notwithstanding the provision of the law that not less than one-half of the additional Members shall be non-official persons, it is no doubt possible for the Governor-General or the Governor as the case may be to secure, as has almost invariably been the practice, an official numerical majority in the composition of the Council by appointing only the minimum proportion prescribed by law of additional non-official Members, with the result that an official majority can be ensured by reckoning upon the additional official Members voting with the ordinary Members of the Council. The principle, however, of the Constitution is not that there *need* be a "numerical official majority" in the Council as now proposed, but that the numerical majority *may* be on the side of non-official Members. So far as the relative proportion of non-officials to officials is prescribed by law, it is as already stated that the number of non-official additional Members should be at least one-half of the additional Members. I may also beg leave to assert emphatically that the notion of an official majority in the Legislative Council, or the notion that the additional official Members should vote with the ordinary Members of the Council, or that the ordinary Members of the Council and the President should vote alike, is entirely opposed to the fundamental principle of the Constitution as stated above, namely, that so far as legislation is concerned, the Government consists of the Governor-General or Governor, his ordinary Members *and* the additional Members whether nominated by him or elected subject to his approval, and all form but one component and indivisible part of Government for the purpose of making laws and regulations: and the division of this body into the Executive Government supported by an official majority and a non-official minority corresponding to an opposition to Government is the introduction of a principle which, in British India, is as unconstitutional as it would be mischievous in the result. Until the enlargement of, and the introduction of a quasi-elective principle into, the Indian Legislative Councils by the Indian Councils Act of 1892, the fundamental principle of the Constitution as settled by the Indian Councils Act of 1861 was not departed from, the official and the non-official Members of the Councils co-operating as Members of one body and there was no feeling that the non-official Members were in the opposition or that the official Members should vote together any more than they should in executive or other matters outside the Legislative Council. Neither when the Legislative Council and the Executive Council were identical, nor, later on, when the Governor-General's Council was for the purpose of making laws and regulations reinforced by the addition of certain official Members only, was there or could have been any theory or notion that all the individuals composing the Council should vote unanimously on every measure before it. A reference to the reports in the official gazette of the proceedings of the Legislative Councils as constituted under the Councils Act of 1861 and especially to the proceedings of the Viceregal Legislature would show that, when divisions in the Councils were recorded, it was by no means unusual that official Members were as much divided among themselves as the non-officials were. If, in the deliberations of the Executive Council or of the Board of Revenue, the Members are expected to, and do in fact, express and assert their individual views if they are unable to agree after consultation and discussion, it seems strange that in deliberations on legislative measures at meetings of the Legislative Council a different theory or practice should prevail by reason of the enlargement of the Council and the presence therein of elected members, and that officials should all vote together irrespective of their individual deliberate and mature opinions. According to the principle of the Constitution of the Legislative Councils in India, there is no difference between officials and non-official Members, and it is because of the importance attached to the Legislative function of Government that in addition to the ordinary Members a certain number of additional Members are associated with the Governor-General or Governor and the policy of the Act is that legislative measures should be publicly discussed and passed at meetings of such bodies in accordance with the views of the majority and it is a distinct violation of this principle that under the sanction of an unwritten law a theory should prevail and assert itself that officials should all vote solidly irrespective of their convictions and opinions and that non-official Members, and the elected Members in particular, should be regarded

and treated as being in the opposition to Government. Though in regard to unessential matters where there is a difference of opinion, it is a matter of comparative indifference if all the officials should vote together by their deferring to the judgment of the Ordinary Member in charge of the Bill, yet in controversial matters affecting the principles of the Bill, it will be a distinct violation of the constitutional principle that they should do so. I do not at all consider this matter from the standpoint of the moral philosopher but purely from the standpoint of an Indian constitutional lawyer and politician who is convinced of the wisdom of the constitutional principle in question and apprehends the evil political consequences of ignoring this principle and substituting therefor the principle of a standing official majority accompanied by the creation in the Council of an irresponsible opposition. Such has been the unfortunate and unexpected result of the operation of the Indian Councils Act of 1892 and it is a matter for extreme regret that the Government of India should now explicitly declare in writing that "they consider it essential that the Government should always be able to reckon on a numerical majority and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official Member. The principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India and so far as they know, it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question and if two men are not able to wield one sceptre it is idle to dissemble that fact in constructing political machinery." I am however not surprised at this and nothing can be a greater condemnation, by the highest authority in India, of the practical working of the Indian Councils Act of 1892 than that it should publicly declare that the *legislative* function of Government cannot be safely and satisfactorily discharged unless a standing and decisive majority of official votes in the Council can always be reckoned upon. This necessarily implies not only that there should be a numerical official majority in the Council, but that they should all vote together. I was a Member of the local Legislative Council for several years prior to 1892 and for several years subsequent thereto, and my humble opinion is that the working of the enlarged Legislative Council has by no means been satisfactory in a political point of view. An opposition has unconsciously been created and the relations between the official Members and the non-official Members and in particular the elected Members are far from being cordial. There is no doubt that legislative measures are debated upon and criticised more ably and freely by the non-official Members than was the case prior to 1892, but so far as official Members are concerned, though their number has been increased, fewer of them take part in the debates and the theory, unwritten though it be, that they should all vote solidly with the Ordinary Member of Council in charge of the Bill has a most demoralising effect. As a general rule, with the exception of one or occasionally two official Members who actively assist the Member in charge, the other official Members pay little or no attention to the debates in Council and when meetings of the Council are sometimes protracted, they attend the Council much to the detriment of their other duties Of course, if the theory is that an official Member is to vote with the Member in charge of the Bill and not according to the opinion which he may form by attending to and following the debate, it is no matter for surprise, that instead of paying close attention to the debates in Council he should, while the debate is going on, prefer to attend to his own office work. Since the enlargement of the Legislative Councils in 1892 there has been a preponderance of leading vakils amongst the non-officials who, by their training at the bar, have a decided advantage over their official colleagues, most of whom belong to the Indian Civil Service, the members of which have proved themselves remarkably successful as administrators by reason of the fact that their policy hitherto has been one of decisive action and discreet silence, while their official training is not such as to qualify them to make extempore speeches or to meet debates in Council. Of course, I am far from suggesting that a strong legal element in the Legislative Council is not desirable. In the House of Commons the legal element has always been strong, but it should be borne in mind that the lawyers are generally equally divided between the parties composing the House. The non-official Members as a class, and in particular the elected Members, are either prominent Members of the Congress or active sympathisers with that body and they will naturally feel themselves bound to further, in the Council, the policy which the Congress advocates and the chances of re-election of the elected Members will, in no small degree, depend upon their attitude in the Legislative Council towards the executive Government in relation to matters in which the interests of Government and, in particular, of a foreign Government are supposed to be antagonistic to those of the people. Under the elective system, candidates whose character and antecedents would render it unlikely that they should be chosen under a system of domination and with whom, their fellow countrymen with self-respect, would not wish either to compete or to be associated as colleagues occasionally succeed in being returned at the head of the poll by their constituencies. Another objectionable feature which has crept into the Legislative Council, since its enlargement, is the liberty which some of the non-official Members take in Council of lavishing their encomiums upon the President or an Ordinary Member of Council in connection with particular measures before the Council, and, in particular, on the occasion of the presentation of the Financial Statement and the discussion thereon. This is reciprocated, frequently enough, by the Member in charge of the Bill acknowledging the very valuable services rendered by non-official Members on Select Committees or in the Council and also by the Member who presents the Financial Statement acknowledging the valuable and moderate criticisms offered by the non-official Members. In this country, such

mutual adulations and congratulations, though they may be sincere, are apt to be mistaken for flattery, and the prestige of the highest officials will, in no small degree, suffer in the eye of the public. The Government of India advert to the shortcomings of the elective system as introduced in the enlarged Council and suggest a still further enlargement in view to remedy such shortcomings. In my opinion, a further enlargement of the Legislative Council will be a serious blunder and the introduction of the elective system on the lines indicated by the Government of India and the Government of Madras will, in no way, remedy the evil. Both the official element and the non-official element will have to be increased and the quality of both will considerably deteriorate. Any system of election based upon the representation of castes, creeds and races will have very injurious effects and will be calculated to accentuate racial and caste feelings where they exist and engender such feelings even where they do not exist. With all the care taken under the proposed system the legal element is sure to assert itself strongly and it should also be borne in mind that under the impetus which has recently been given to the cultivation of public speaking by the Indians, even non-official Members who are not lawyers will contrast favourably with the official Members, in debates in Council, and the various evils, the principal of which is one, I have above indicated, as having crept into the existing enlarged Councils, will develop further and appear in a more pronounced and objectionable form if the Councils should be further enlarged and in course of time not only will the prestige of the executive Government be greatly impaired, but the highest officials as a class will forfeit public esteem and regard.

I fully concur in the view that the shortcomings of the Councils as they now exist since their enlargement require to be remedied, and the proposal I would make is to restore the Legislative Councils to the basis on which they stood under the Act of 1861 with the additional functions assigned thereto by section 2 of the Act of 1892 and to place the proposed Advisory Council on a statutory basis and utilise it as an advising body both in regard to administrative measures and legislative measures. The Advisory Council, whether Imperial or Provincial, should, if possible, be a purely non-official body and the idea of nominating some of the ruling native chiefs as Members of the Imperial Advisory Council or even one of them as a Member of Imperial Legislative Council, will not, I am sure, commend itself to them and in my opinion, it is quite derogatory to their status as sovereigns. I would repeal section 1 of the Indian Councils Act of 1892 and in lieu thereof provide for the establishment of Advisory Councils. The statute should fix and declare the minimum and maximum number of the members of such Councils, Imperial and Provincial, and the nomination of such Members should vest in the Governor-General or Governor or Lieutenant-Governor as the case may be, and the present section 1 (4) of the Indian Councils Act of 1892 may be substantially retained with the necessary modifications in view to the Governor-General with approval of the Secretary of State in Council, making regulations as to the conditions under which the nomination of the Members of the Advisory Council is to be made whether by election or otherwise and the manner in which the regulations are to be carried into effect. Though the body is to be only an Advisory Body the statute should invest it with certain defined powers. The deliberations of the Advisory Council in regard to legislative measures should be public. It should be competent to the Advisory Council to initiate a legislative measure subject to the same restrictions as are contained in the Indian Councils Act of 1861 and recommend the same to the Legislative Council. The measure will be introduced into the Advisory Council, considered, referred to a Select Committee of the Advisory Council, debated upon and passed or rejected by it and the procedure in relation thereto will be substantially the same as that which obtains in the Legislative Council. If the Bill is passed by the Advisory Council it will be forwarded with its recommendation to the Legislative Council to be dealt with as Bill before it. Of course it will be open to the Legislative Council to refer back the Bill or any portion thereof for reconsideration or further remarks of the Advisory Council and it will rest entirely with the Legislative Council to reject the Bill or pass it with or without amendments. It should also be provided that any Bill originally introduced in the Legislative Council shall be taken into consideration by it only after the same has been referred to the Advisory Council and reported upon by it within a time to be limited. Any Bill so referred to the Advisory Council should be dealt with by the Advisory Council in the same manner as any Bill originally introduced in that Council. As, however, certain measures introduced into the Legislative Council will be of an urgent character it may be provided that any measure may be passed into law by the Legislative Council before the same is referred to the Advisory Council with a proviso that any measure so passed shall expire at the end of one year from the date of its passing. Provision may also be made for the Advisory Council electing one of its Members as an extraordinary Member of the Legislative Council, who will be entitled to attend the meetings of the Legislative Council and take part in its debates with power to vote only in connection with a particular legislative measure referred to the Advisory Council by the Legislative Council and reported thereon or originated in the Advisory Council and recommended to the Legislative Council for consideration and also with power to introduce into the Legislative Council any Bill recommended to it by the Advisory Council. It should also be provided that on the occasion of the presentation of the Financial Statement, before the Legislative Council, the Governor-General, Governor or the Lieutenant-Governor as the case may be, shall summon the members of the Advisory Council to be present on the occasion, and they shall be entitled to take part in the discussion of the statement, as if they were additional Members of the Legislative Council. An alternative provision may also be made that instead of

summoning every Member of the Advisory Council, a requisition may be sent to the Advisory Council to send a deputation of its members not exceeding a specified number.

Under this proposal the passing or rejection of every legislative measure will rest absolutely with the Legislative Council as constituted under the Act of 1861 as the paramount legislative authority. But every measure, before it is passed into law or rejected by such power, will have been fully discussed and criticised by the Advisory Council, which will be essentially a non-official body representing as far as possible the various classes of people and interests and subsequently by the paramount legislative authority constituted under the Councils Act of 1861 with the addition of an extraordinary member elected by the Advisory Council with reference to each measure.

Under section 29 of the Act of 1861 the Government of Madras in exercising its legislative functions will consist of the Governor, the two ordinary Members of Council, the Advocate-General for the time being (who may well be constituted by the Statute itself an additional Member ex-officio, instead of being nominated every two years as an additional Member by the Governor) and not less than four nor more than eight other persons to be nominated additional Members by the Governor. The best constitution for the local legislature would be when the additional members excluding the Advocate-General are six, in which case the minimum non-official members including the extraordinary member will be four and the official members inclusive of the Governor would be seven. The three non-official members would be purely nominated by the Government, and as was usually the case formerly for many years before 1892, the non-official member will be either a prominent Vakil of the High Court or a non-official European or Zamindar or a Muhammadan gentleman. In a Council so constituted there will be nothing like factious or opposition spirit and every member may be safely left fully at liberty to give his vote according to the best of his judgment and if a measure introduced by an ordinary Member of Council is lost by reason of one or more officials not voting with him, the result should not be deplored but should be welcomed. In the composition of a body so constituted there will be a decided numerical official majority and if there should be a division among themselves notwithstanding that the natural inclination on the part of the official members will be to agree if possible, such difference of opinion, when it does exist, should not be discouraged and it is equally certain, as proved by past experience prior to 1892, that whatever may be the character of a particular legislative measure, the non-official members chosen and nominated by the Governor are not likely to be actuated by any spirit of combination against official Members. Having regard also to the additional work that may devolve on Government by the establishment of the Advisory Council it may not be out of place that I should here suggest the desirability of having a third ordinary Member of Council in order that Government may be able to cope with the work which has increased by leaps and bounds within the last two decades and in order that the Governor and the Councillors may have more time than they can possibly spare under the existing pressure of work for the consideration and settling of important questions of administrative changes and reforms. Moreover several matters which cannot be regarded as mere routine and which formerly used to be dea t with by at least two members have of late owing to pressure of work come to be disposed of by a single member. Until 1833, there were three ordinary Members of Council, which number appears to have been reduced to two under the power vested in the Court of Directors by section 57 of 3 and 4 William IV, C. 85 and the original number should, I think, be now restored and on the distinct understanding that this additional seat in the Executive Council is not reserved exclusively for Indians, it will be of the greatest benefit to Government and the public if, whenever an Indian of exceptional merit and ability is available, he is appointed to the seat.

As regards the functions of the Advisory Councils in the matter of administrative questions or measures, the statute need only empower the Governor-General in Council to make regulations with the sanction of the Secretary of State in Council as to the conditions subject to which the Governor-General in Council or the local Government may invite the opinion of the Advisory Council in regard to any administrative or executive measure or summon a committee of the Advisory Council for a conference with the Government in regard to any such measure. I would strongly deprecate Members of the Advisory Council being consulted individually on particular questions in the sense of one or a few of them *only* being consulted, though of course there is no objection to any member being consulted unofficially like any private individual. The Governor-General in Council may similarly be empowered to make regulations prescribing the conditions subject to which it shall be competent to the Advisory Council of its own accord to recommend to Government any administrative or executive measure of general importance.

The deliberations of the Advisory Council in the matter of any administrative or executive measure should be in camera and neither open to the public nor published. As regards the President or Chairman of the Council, the best plan will be that, at any rate for a few years at the outset, an official of high position such as an ordinary Member of Council or a Judge of the High Court should be appointed as such by the Government. His function, however, would be only to preside at meetings without taking any part in the discussion. The Advisory Council will be a large one consisting of non-official Europeans, Eurasians, Native Christians, Hindus and Muhammadans and the President ought to be strong enough to preserve order and regulate the proceedings of the meetings, which will be conducted in accordance with rules to be framed by the Executive Government. As I propose that the Governor-General in Council should

make rules fixing the proportion of members to be nominated by Government and the proportion of members to be elected, as well as the conditions of election, I do not at present make any suggestion in the matter. Even assuming that a representative form of Government is the best type of Government suitable for India, I am decidedly of opinion that for a long time to come it will not be safe to try such an experiment in this country. To say nothing of the diversity of castes, races, nationalities, having regard to the diversity of the vernacular languages even in one and the same province, any representative or quasi-representative political institution that may be established in India cannot have a common vernacular language and the only common language that will be possible is English. This, therefore, practically deprives the bulk of the population who have no knowledge of English from being elected as members of the institution, though they might otherwise be fit and proper representatives. In my opinion the various classes and nationalities in this country can be properly represented, in a quasi-representative institution only by a system of nomination wisely and discreetly exercised by the highest executive authority. But the exercise of such discretion by the head of the Government who is a foreigner is necessarily attended with certain difficulties and disadvantages and if it is desired that a certain proportion at least of the Members of the Advisory Council should be nominated by election, there is no objection to it, but the constituencies should not be formed on distinctions of caste or race. It is not uncommon that as between sub-sections of one and the same caste or race, the feeling of animosity is even stronger than as between different races and castes and if any system of election is to proceed on the basis of nationality or caste, different sub-sections thereof will also have to be ere long constituted into different electorates.

As regards the establishment of a Provincial Advisory Council on the basis of the representative assembly in Mysore or Travancore, it may be that in the Native States the aspirations of the people, at any rate for some time to come, are satisfied by such institutions, but I must say that at any rate in the more advanced provinces in British India, the aspirations of the people will not be sufficiently met by a representative assembly on such lines, which is to meet once a year and merely bring to the notice of the head of the Government, the wants and grievances of the people. Though it is to be only an Advisory Council, yet unless it has a statutory basis with certain defined powers and functions, the institution will not command public approval or respect and I may also say that the Diwan of a Native State presiding over such an assembly is in a position quite different from the heads of Government in British India. An Advisory Council invested with certain defined powers and functions will of course be a compact body, but a representative assembly for the Presidency of Madras will necessarily have to be a large and unwieldy body.

II

Letter—from M.R.Ry. Diwan Bahadur P. Rajaratna Mudaliyar Avargal, C.I.E., retired Inspector-General of Registration.
To—the Chief Secretary to Government.
Dated—Madras, the 10th February 1908.

I have the honour to submit the following remarks in reply to your letter of 22nd November 1907, regarding the reforms suggested by the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils.

2. An Imperial Advisory Council, constituted as proposed by the Government of India and possessing a sort of official "recognition," without any legal status or powers, would be unworkable and is not likely to lead to any useful results. Ruling chiefs would not like to be associated with others who do not occupy the same status as themselves, as independent chiefs. No advantage would be gained by forming them into a separate body, as even there, there would be petty jealousies between them. After all, there are not very many chiefs, who are capable of giving really valuable advice on important questions connected with "Common and Imperial interests," on which their opinion would be sought. The objects aimed at by the Government of India could be much better attained by the head of the Imperial Government placing himself in direct communication with such chiefs and territorial magnates as he may see fit to consult on any important matter. Such unofficial communications and personal interviews would bring about a more cordial and freer interchange of views than could be obtained otherwise.

3. The same objections do not apply to the Provincial Advisory Councils. These, if properly constituted and sympathetically worked, would be productive of far reaching advantages both to the Government and the people, by promoting closer relations, and "a better understanding" between them, and by tending to "clear

away on both sides injurious prejudices and misconception." But to bring about such a desirable consummation, it is essential that all important interests,—the land-holders, traders, merchants, artizans and the professional classes should be properly represented on the Council. They should be selected from every district of the Presidency and from persons paying a certain amount of land revenue or income-tax which should be fixed, with reference to varying local conditions. There should not be less than two men from each district. Important districts like Gódávari, Kistna, Tanjore, Madura and Tinnevelly might send three or even four. The Presidency town might send at least six persons. I would fix the total number of members at not less than eighty. I would even raise the number to one hundred, seeing that in the much smaller State of Mysore, the representative assembly or more correctly, "the assembly of representative ryots and merchants", as it is appropriately called, consists of 275 members. The limitation of the members to 20 or 25 as proposed by the Madras Government would seriously impair the usefulness of this Council and defeat the objects aimed at by the Government of India. I would in fact constitute Provincial Advisory Council somewhat on the lines of the Mysore representative assembly and follow the system adopted there with such modifications as may be found necessary. The Council should assemble at least once a year at the head-quarters of Government, preferably during the Christmas vacation, and hold its meetings for three or four days, at the Government House, at which there should be a free and cordial interchange of views between the Advisory Body and the Head of the Government and the Executive Members of Council, on all questions of public interest affecting Administration, the wants and requirements of different districts and other matters of importance. The Government of India rightly attach the highest importance to collective deliberations on such occasions, and the conclusions arrived at, at such deliberations should be published for the information of the general public. The Council need not be given a legal status at present and will have no special powers. Its functions would be confined to representing the wants and grievances of the people generally (not their own individual interests); offering opinions on questions of public importance which may be placed before them, including the budget, and seeking information on points on which elucidation might be deemed necessary in the public interests.

I feel that it would be impossible to overrate the importance and advantages of such annual gatherings at which the Executive officers of Government would be brought into full touch with the people. I take it for granted that similar Advisory Councils would be formed in each district of the Presidency, where the members will be given full opportunities to meet the local Executive officers at stated periods and exchange views. One great defect of the present Administration that forms the keynote of the reform proposals now put forward by the Government of India is the difficulty that is encountered "in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imputed to them." This state of things is due mainly, if not entirely, to the growing absence of touch between the officers and the people and the consequent prevalence of corruption that is observable in all departments of the service.

I am confident that the establishment of Provincial Advisory Councils on the lines suggested above, supplemented by similar District Councils would provide an effectual remedy, if they are worked with a whole-hearted sympathy and free access is given to all classes of the people to represent their wants and difficulties. All official restraints should be set aside and free discussion should be encouraged at these meetings.

4. *Imperial Legislative Council.*—I accept the scheme detailed in paragraph 12 of the Government of India letter with the following reservations and suggestions.

I do not see that any advantage would be gained by nominating a single ruling chief to the Council. Such a course might lead to misconceptions and heart burnings on the part of the chiefs generally. Moreover, I do not think that the great ruling chiefs would care to sit on the Legislative Councils, and it would be worse than useless to nominate any of the lesser chiefs.

I would allow the Madras Chamber of Commerce to send a nominee, like the Chambers of Calcutta and Bombay.

I observe that as regards Muhammadans, they are allowed to nominate two members of their community, and I fail to see the propriety of making it *obligatory* on the Viceroy to reserve for them, in addition, "not less than two" out of the four seats allowed for non-officials to be nominated by the Viceroy "to represent minorities or special interests."

5. *Provincial Legislative Councils.*—I would raise the number of non-official members to 24, including three to be nominated by His Excellency the Governor and fix the number of official members at 26. So long as the power of vetoing any measure is retained in the hands of His Excellency the Governor and His Excellency the Viceroy, it seems unnecessary to retain a large official majority. I do not consider it right in principle to form an electorate based on distinctions of caste or creed, but at the same time, I am decidedly of opinion that provision should be made for the proper representation of different interests or occupations, such as the landed interests, the interests of trade and commerce and the like. It can make no difference to what particular caste or creed a candidate may belong, provided he is competent to represent the particular interest or occupation for which he is selected. For an efficient electorate, I consider that territorial representation is necessary and I would divide the Presidency into five circles and allow the District Boards and District Municipalities of each circle to return three candidates each, one to represent commerce and industries, one to represent the landed interests, and one the other professions. The non-official members of the Council will then be constituted as follows:—

(*a*) To be nominated by His Excellency the Governor	3
(*b*) The Chamber of Commerce	1
(*c*) The Senate	1
(*d*) Landholders' Association composed of Zamindars, etc.	1
(*e*) Citizens of Madras	1
(*f*) District Boards including District Municipalities—	
(1) Landed classes	5
(2) Commerce and Industries	5
(3) Other Professions	5
(*g*) Muhammadan Association	1
(*h*) Eurasian and Anglo-Indian Association	1
Total ..	24

I think the candidates selected should possess certain qualifications which should be fixed sufficiently high. I accept the Government's proposals on this point. If experience shows that the qualifications are too high, the limit can be lowered at the next election at the end of three or five years, whichever term is adopted.

[*P.S.*—Since the above was written, I had the honour of attending the meeting at Government House when a suggestion was made as to the expediency of forming two Provincial Advisory Councils, one for the Telugu and Canarese and another for the Tamil and Malayalam districts. The object was said to be to give fuller representation to the people by enabling them to send one or two members from each taluk. I cordially approve of this proposal.]

III

Letter—from the President, Madras Landholders' Association.
To—the Chief Secretary to Government.
Dated—Venkatagiri Town, the 23rd January 1908.

In reply to your communication, dated 22nd November 1907, forwarding a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a copy of the memorandum of

the Government of Madras in reference thereto, inviting the opinion of the Madras Landholders' Association on the questions raised in the said memorandum, I have the honour to state as follows :—

I. Imperial and Provincial Advisory Councils.—The association heartily endorses the principle which underlies the Government of India's proposals regarding the formation of Advisory Councils of the type explained in their letter. There can be no doubt that the association of ruling chiefs and the landholding and commercial classes possessing a material stake in the country and representating the most powerful and stable elements of Indian society in the guardianship of common and Imperial interests, and determination of administrative measures and proposals affecting the welfare of the people on their advice and opinion, would be a marked step in constitutional progress and would afford a valuable aid to the orderly and efficient working of Government. The association is of opinion that the utility of these bodies will be considerably enhanced if, in addition to the powers proposed to be conferred upon them, they are invested with the power to intimate, within certain defined limits, proposals and suggestions for the consideration of Government on important matters with which they are specially conversant and in which they are specially interested.

II. Imperial Legislative Council.—The proposal to give a substantial representation to the landholding community on the Imperial Legislative Council is a step in the right direction. In paragraph 12 of the Government of India's letter in which the future constitution of the Imperial Legislative Council is laid down, it is suggested that each province should be allowed to furnish one representative elected by the nobles and great landholders of that province. It is presumed that by the term "nobles and great landholders," zamindars, great and small, of settled estates are meant. If, however, it is intended to include under this term ryotwari landholders, whether paying revenue to Government or rent to the zamindar, the association would submit that zamindars proper as distinguished from *ryotwari* landholders should have a special representative of their own in the Imperial Council, as the interests of these two classes are not always identical and may oftentimes be conflicting. Zamindars form an important part of the body politic, and it is but reasonable that their interests should be specially represented in the Imperial Council.

As regards the qualifications of electors in the zamindar class, the association recommends that persons paying a peshkash of not less than Rs. 10,000 a year or land-cess calculated on an annual rent value of Rs. 25,000 should have the right to vote. As regards the person qualified to be a candidate for election, the property qualification may ordinarily be the same as that of the person qualified to vote, but this property qualification should not be insisted on as a hard-and-fast rule, inasmuch as the most capable men of the class may in that case have to be passed over in some instances, which would not be a very desirable thing. The candidate should of course be a member of the zamindar class and should be elected direct by the whole body of zamindars.

III. Provincial Legislative Council.—The necessity for a special representation of zamindars as distinguished from ryotwari landholders in the Provincial Legislative Council is greater than in the case of Imperial Legislative Council, inasmuch as the questions affecting the special interests of the zamindars arise much more often in the Provincial than in the Imperial Legislative Council. In view of the vast and varied character of the interests of landed aristocracy of this Presidency, the association is of opinion that they should have two representatives on the local Legislative Council, one to be elected by the zamindars in general of the prescribed qualifications and the other to be elected by the Madras Landholders' Association. It need hardly to be pointed out that election is better than nomination, if the representative has to discharge his functions with justice to the class he represents. And an election by a representative body like the Madras Landholders' Association which counts among its members almost all the leading zamindars of the Presidency would obviously be a great advantage, seeing that, while a choice by the whole body of zamindars will no doubt afford a guarantee

of a certain measure of fitness, a selection by the association would ensure a better result from the certainty of its nominee having been chosen with reference to his merit and character.

As regards the qualifications of voters and candidates for the Provincial Legislative Council, the association suggests that they should be the same as those mentioned above in respect of voters and candidates for election to the Imperial Legislative Council, namely, payment of a minimum peshkash of Rs. 10,000 or landcess calculated on an annual rent value of Rs. 25,000. The qualifications proposed by the Government of Madras in paragraph 6 (*d*) (ii) of their memorandum are far too high and would unduly limit the strength of the electorate. In the case of election to the Provincial Legislative Council too, the association would recommend a relaxation of the rule in regard to the property qualification of the member to be elected so as to make it possible for the fittest and most capable person to come in.

IV. General.—The association ventures to point out that the principle of representation of castes and creeds which stands out as one of the prominent features of the proposed scheme is, in its humble opinion, open to grave objection in that it is calculated to accentuate differences which are fast losing their importance in secular affairs and interfere with the growth of a sentiment of unity among the people which is a necessary condition of progress. Further this principle will be attended with great many difficulties in its application in practice.

In conclusion, the association begs to express its grateful acknowledgments for the sympathetic and appreciative sentiments regarding the landed aristocracy which find place in the letter of the Government of India.

IV

Letter—from the Chairman, Chamber of Commerce, Madras.
To—the Chief Secretary to Government.
Dated—the 11th January 1908.

I have the honour to acknowledge receipt of your letter, dated the 22nd November 1907, inviting an expression of the Chamber's views regarding the proposals for giving the peoples of India wider opportunities of expressing their opinion on administrative matters contained in the letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, and in the Madras Government's Memorandum which accompanied it.

2. The Chamber is of opinion that the creation of an Imperial Advisory Council will be beneficial to the country, but regrets that no provision has been made for the representation thereon of Commerce and Industry. This defect might be remedied either by altering the constitution of the Council in such a way as to admit representatives of all the important interests and representatives of Commerce and Industry among it or by merely adding to the ruling chiefs and territorial magnates composing that body certain members qualified to advice the Government of India on commercial questions. The inclusion of Europeans in the Imperial Advisory Council is not contemplated by the Government of India, but the Chamber is of opinion that Commerce and Industry ought to be represented by both Indians and Europeans. The Chamber observes with satisfaction that Commerce and Industry are to be represented in the Provincial Advisory Councils, but there is not less need for such representation in the Imperial Advisory Council for commercial and industrial questions are not necessarily or usually merely local. The Government of India are as likely to require advice from experts on such question as the local Governments. Indeed, the graver commercial problems will be subjects for the consideration of the Imperial rather than the Provincial Government.

3. The constitution of the Provincial Advisory Councils is in the Chamber's opinion satisfactory.

4. While approving of the constitution of the Imperial Legislative Council on the whole as likely to secure equitable representation for Indians of all classes and

to diminish the undue predominance of the legal and scholastic classes, the Chamber would urge the advisability of more extensive representation of the non-official European community. The Chamber is further of opinion that the privilege of electing representatives of commerce and industry should not be confined to the Calcutta and Bombay Chambers of Commerce, but should be extended to some at least of the other important commercial bodies in the country.

5. As regards the Provincial Legislative Council in this Presidency, the Chamber would suggest that special representation by one elected member might be given to Nattu Kottai Chetties, the principal trading class. The Chamber also considers that the increase in the number of official members necessitated by the increase of non-official members ought to be effected by selection from among senior district officials, so as to counterbalance the members drawn from the Secretariat.

V

Letter—from the President, Corporation of Madras.
To—the Chief Secretary to Government.
Dated—the 29th January 1908.
No.—G. 1865.

Replying to your letter, dated 22nd November 1907, forwarding copy of a letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council and requesting the opinion of the Corporation of Madras on the questions raised in the memorandum, I have the honour to inform you that the Corporation at an adjourned general meeting held on the 28th January passed the following resolutions :—

"That in the opinion of the Corporation while the system of representation by classes may be suitable for the Provincial Advisory Council it is not suitable for the Provincial Legislative Council.

"That as regards the Provincial Legislative Council, the Corporation would recommend the extension of the present system of territorial representation by means of elections by Municipalities and District Boards.

"That the functions of the Provincial Legislative Council being primarily confined to dealing with measures of legislation laid before it, there seems to be no reason to restrict the number of members of the legal profession who may be elected to serve upon it. The Corporation would therefore deprecate any measure having that effect.

"That as regards the representation of the City of Madras on the Provincial Legislative Council the Corporation is of opinion that the present system of election by itself of one of its own members should be continued. Should, however, the Government insist on a wider electorate, the Corporation would see no objection to the same being formed of the whole body of persons qualified to be elected as Municipal Commissioners under section 33, Act III of 1904, to whom should be added all holders of two degrees of the same faculty and also graduates of 20 years' standing.

"That the Corporation view with approval the proposal of Government to nominate to the Provincial Legislative Council members for the representation of particular classes and minorities.

"That if Government desires the formation of primary electorates in the districts, the qualification for voters should be payment of income-tax on an annual income of not less than Rs. 2,500 or payment of Rs. 100 shist or of Rs. 50 municipal taxes; the qualification for election being fixed on the basis described in paragraph (*d*) (iv) of the scheme explained in the Government memorandum."

VI

Petition—from the President, South Indian Landholders' and Traders' Association, Madura.
To—His Excellency the Governor in Council, Fort St. George.
Dated—the 3rd February 1908.

On the question of the establishment of Advisory Councils and the enlargement of Legislative Councils, I have the honour to offer the following suggestions on behalf of "The South Indian Landholders' and Traders' Association" recently established at Madura. But before doing so, a statement of reasons that led to the

formation of an association of this kind, and the submission of a separate representation may not be out of place. The Madura District People's Association which was started at Madura in November 1904, and to which the Government circular was referred, has made certain incorrect and unwarranted allegations in paragraph 7 of its reply, dated the 18th December 1907. The opinions expressed by the People's Association are only those of a particular class and of a particular profession, and cannot at all be regarded as representative in their character, the more so as even the few members of the zamindari class who are members of the People's Association, and against whom these remarks are directed, were not given due notice, and were not allowed any opportunity to express their views on the subject. Lest the opinions, therefore, of such a body should mislead Government, "The South Indian Landholders' and Traders' Association", Madura, which has been brought into existence to protect and promote the interests of the purely landholding and commercial classes, begs to submit its unbiassed views on the question now under consideration.

2. This association wishes to place on record its grateful appreciation of the policy now initiated by Government of associating with them in the administration of the country the ruling chiefs, zamindars, landholders and traders, and of giving separate representation to them. In their advancement lies the permanence of the paramount power, and in their contentment lies the security of the Empire. The inauguration of this scheme has, in the present state of the country, come not a day too soon.

3. The establishment of Advisory Councils is a step in the right direction. This association, while agreeing with the Government that the Advisory Councils might be merely a consultative body, that they could meet occasionally, and that their opinions need not be binding on the Government, begs to offer the following suggestions: (*a*) The Councils should receive a statutory recognition so that their existence might be legalised; (*b*) the discussions in such Councils need not be open to be public, but the decisions finally arrived at should be published; (*c*) every new Bill, Regulation or measure proposed to be introduced by Government should be first referred to the Advisory Councils for their opinions thereon either collectively or individually; (*d*) the members should be given the right to offer their opinions either individually or collectively on all questions affecting the interests of the public.

4. The association further begs to suggest that the creation of District Advisory Councils not contemplated in the Government memorandum will be an inestimable blessing to the country, and will bring the rulers and the ruled into closer touch with each other. These District Councils which will form the nucleus of the Provincial and Imperial Advisory Councils should be recruited half by nomination and half by election, taluks and groups of villages electing the latter. They might be 20 to 30 strong, according to the different conditions and requirements of each district. They should be consulted on all matters of administration, such as questions regarding settlement, remission of land revenue, irrigation, famine, epidemic, local riots, etc. In cases of differences of opinion between the District Officer who presides and the majority of the District Councillors (the proceedings being always in the vernacular), the matter should be referred to the Revenue Board or Government whose decision thereon shall be final. The Collector against whom a reproach is now cast that he does not come in contact with the people, and that, therefore, he is not in a position to know local needs and requirements will thus be able to rule his district with better understanding and greater sympathy. The administrative blunders that now and then characterise the district administration might be a thing of the past.

5. The association, while also gratefully acknowledging the spirit which has actuated the Government in inaugurating the new scheme of representation in the Legislative Councils, begs to suggest the following modification. It is a fact that needs no demonstration that conditions and circumstances radically vary in different provinces. The fixing, therefore, of a minimum qualification of the payment of Rs. 10,000 as giving the right to vote for the Imperial Council, and Rs. 20,000 as proposed by the Madras Government for the Provincial Council,

will be felt as a great hardship in this Presidency, and will practically exclude a large number of zamindars and great landowners who are not a whit behind their more fortunate brethren in intelligence and public spirit. The proper standard would, in the opinion of this association, taking local needs and conditions into consideration, be the payment of land revenue of Rs. 4,000, or land-cess calculated on an annual rental of Rs. 20,000. The representative to the Imperial Legislative Council should be either a member of their own class, or a qualified member of their class outside the Council. Under no circumstances, should the Government have recourse to the system of nomination. This same qualification would, in the opinion of the association, suffice to give the right of nomination to the Advisory Councils, Imperial and Provincial.

6. The association cannot sufficiently thank the Government for the concession of separate class representation granted to Muhammadans, Christians and other classes, among whom there is surely not a dearth of talent and intellect. The plea for national unity is times out of mind put forth both on the platform and in the press. This association has certainly that ideal in view, but in practical every day life, whatever may be the case in other parts of the Empire, in this Presidency at least, one class and one profession have had hitherto the virtual monopoly of the non-official loaves and fishes of the Government. It is high time that such an undesirable state of affairs ceases to exist.

7. The system of grouping the districts as now proposed by the Government for the election of six members by "other classes" is not likely to bring about adequate representation. If the number of seats could not be increased by allotting one seat to each district, this association would suggest that the city of Madras could be satisfied with one seat as at present, and that the Government would be pleased to allot that seat to the "other classes" of Malabar and South Canara who are separated from others by geographical distinctions and by social usages and customs. The six seats could then be distributed, three for the Southern districts and three for the Northern districts, by maintaining the division of districts that now exists for purposes of election to the Legislative Council.

VII

Letter—from A. E. Rencontre, Esq., Acting President, Anglo-Indian Association of Southern India (Limited).
To—the Chief Secretary to Government.
Dated—the 12th February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd November 1907, enclosing a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a memorandum regarding certain measures proposed with the view of giving the peoples of India wider opportunities of expressing their views on administrative matters.

I am directed by the Council of this Association to say that, with regard to the question raised in the memorandum, the Council of this Association notices that the claim of the domiciled Anglo-Indian community has apparently been overlooked. In enlarging the Legislative Councils, it is submitted that their composition should be determined with due regard to the claims of all classes, not neglecting important minorities. In the scheme as framed, no provision is made for safeguarding the interests of the domiciled Anglo-Indian community. It is submitted that this community, including as it does all persons of European, Colonial or American descent domiciled in India, has a distinct claim to be regarded as an important factor in the body of politic. It forms an important link between Great Britain and India, and its loyalty is, and has been proved to be, unquestionable. The bulk of the Volunteer Force in India consists of members of this community and thus it deserves special consideration at the hands of the Government.

While the Brahman, the Muhammadan and the Christian communities (which latter is mainly Indian) are to be represented in the proposed scheme, the Council of this Association respectfully suggests that such an important body as the

domiciled Anglo-Indian community ought most decidedly to be represented. If, per chance, any member of the community is elected under the scheme so framed, it will be an accident and not as a precedent, and it is submitted he cannot be considered as a representative of the domiciled Anglo-Indian community. He would represent the interests of the body that elected him, *e.g.*, the Chamber of Commerce, or the citizens of Madras, and would not consistently be able to protect the interests of this community which are in many ways distinct from those of the other peoples of India.

I am to submit that representation for our community is absolutely necessary in view of the fact that the change now proposed after so many years, since the passing of the Councils Act in 1892 is called for by the measures then introduced being found inadequate to meet present conditions, and that possibly further change may be required within a short period, but in the meantime this community, which though small now will in a few years grow larger, will still, if left without representation, labour under disabilities for the next fifteen years.

The Council of this Association therefore strongly urges that the scheme should be so framed as to give this community a representative on the Legislative Councils or at least for the local council, and that such representative for the local council should be nominated by this association which is recognized by the Government as the proper representative of the community.

VIII

Letter—from the Maharaja of Bobbili.
To—the Chief Secretary to Government.
Dated—Bobbili, the 10th December 1907.

I beg to acknowledge, with thanks, your letter of the 22nd ultimo with its enclosures, which contain proposals for the organisation of the Imperial and Provincial Advisory Councils and for the enlargement of the Legislative Councils, the object of the proposals being the promotion of more intimate relation and better understanding between the Government and its peoples.

2. I have nothing to suggest in regard to the constitution of the Imperial Council as set forth in paragraph 5 (3) of the letter of the Government of India. It leaves nothing to be desired.

3. As regards the constitution of the Provincial Advisory Council, I think that it may consist of the Provincial members who serve on the Imperial Advisory Council and of members selected after the manner of the scheme proposed for the selection of non-official members for the Provincial Legislative Council.

4. The work of these Advisory Councils should not be exclusively advisory as is stated in paragraph 5 (6) of the letter of the Government of India, but as the object of the Government is to give the people of India wider opportunities of expressing their judgment on administrative matters, it is advisable that the members of the Advisory Councils should also be allowed to represent to His Excellency the Viceroy or the Provincial Governor, as the case may be, any grievances of the people and any suggestions by way of advice: sufficient notice being given in writing signed by at least a fixed proportion of the members.

5. The constitution of the Imperial Legislative Council as set out in paragraph 12 of the letter of the Government of India is sufficiently wide and representative, and I thank the Government of India very much for their suggestion in paragraph 14 of forming a Provincial electorate of landholders.

6. The scheme put forward for the constituency of non-official members of the Provincial Council is very well devised, and I have nothing to add by way of suggestions, except that the zamindari class (*e*) of the scheme should, instead of being divided between the northern and southern districts, be divided into those forming the Madras Landholders' Association and those that do not belong to it.

IX

Letter—from the Raja of Venkatagiri.
To—the Chief Secretary to Government.
Dated—Venkatagiri Town, the 15th January 1908.

I have the honour to acknowledge receipt of your circular letter, dated 22nd November 1907, giving cover to a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a copy of the memorandum of the Government of Madras in reference thereto, inviting my opinion on the question raised, viz., the constitution and functions of the proposed Imperial and Provincial Advisory Councils and the proposed constitution of the Imperial and Provincial Legislative Councils. My views briefly are as follows:

Imperial Advisory Council.—While bearing in mind that the Government of India contemplates the institution of this Council as a first step in reform of the kind and have naturally and rightly taken their own Council as to what is fit and expedient and evolved a scheme, I feel tempted, however, to avail myself of the permission signified in the terms of reference to suggest as the result of a strong conviction that this Council might advantageously include on its rolls, besides Ruling Chiefs and important landholders, men of proved and conspicuous merit and established character and experience who will be able to render material help to the Government in deciding on questions of reform or legislation by reason of their closer touch with the people, their needs, aspirations and even prejudices. I am disposed to think that while it will not be difficult to find men of the status and qualifications indicated, such men will cordially place their services at the disposal of the Government for the benefit of the country. I should also think that some suitable provision might be made enabling the councillors to initiate proposals in important and pressing matters for the consideration of the Government.

Provincial Advisory Councils.—The councillors in this body too, I think, might have the power to initiate proposals as suggested above. As regards its constitution, the needful appears to have been provided for in the Government of India's letter, seeing that it is proposed to associate with the landholders in the Council representatives of the other interests, such as industry, commerce, capital and professional classes. These representatives should include Europeans and Indians, their proved merit being the criterion for choice. The functions and procedure prescribed for this Council would appear to indicate a fair beginning.

Imperial Legislative Council.—I venture to speak of only head E (*c*). In the proposed constitution of this Council each province is allowed to furnish one representative chosen by the nobles and great landowners. I presume zamindars and landholders are intended by this description as is gatherable from paragraph 14 of the Government of India's letter under reference. If, however, landowners other than landholders proper be also intended, I must submit that the electorate be expressly restricted to the latter class alone as otherwise conflicting interests would not infrequently have to be represented by the same councillor, the former class including ryots as opposed to landholders. I have nothing to say to the qualification proposed for the voters, viz., payment of a minimum peshkash of Rs. 10,000, etc. But as regards the member to be elected though his property qualification may ordinarily be the same as that of the voters, it need not be insisted on as a hard-and-fast rule, inasmuch as the most capable of the class may in that event have to be passed over in some instances which would not be a desirable result. Provision should be made for a relaxation of the test on proper cause being shown. The nominee will of course belong to the class of the electorate.

Provincial Legislative Council.—On this last subject, I would give myself a larger liberty of opinion as I understand the Government to rather invite it. Speaking first of my own class, I would say that the Council must reserve two seats for its representatives—one to be chosen by an electorate formed out of it and the other by the Madras Landholders' Association. Considering the importance and magnitude of their stake in the country as well as their reliability for legal

advice in all emergencies, it will not, I trust, be considered, too much to allow the landholders the number of representatives suggested. While the general body of them with a prescribed property qualification must commend themselves as an electorate by their characteristics indicated above, the association in question affords the particular guarantee of returning a nominee who has made a special study of all complicate and complex questions relating to the interests involved. As regards the property qualification of the voters among the general body, I think it should be fixed at a minimum peshkash of Rs. 10,000 which is the figure desiderated by the Government of India in respect of the Supreme Council, or payment of land-cess calculated on an annual rent value of Rs. 25,000. The figures proposed by the Madras Government are far too high and would unduly limit the strength of the electorate. In this case too, I would recommend a relaxation of the rule in regard to the property qualification of the number to be elected so as to make possible the election of the fittest and most capable person. As to the rest of the proposed scheme of the Government, I feel constrained to remark that, so far as I am able to gather, public sentiment appears to view with disfavour the elective franchise being divided between classes and creeds and more so between sections of one creed. While substantial interests have necessarily to be cared for in the apportionment of representation, mere sentimental considerations which must largely partake of prejudices are generally deemed to be out of place as likely to run counter to the unifying influences now at work in the country which ought rather to be welcomed and fostered. The distinction made between Brahmans and non-Brahmans seems to go farthest in this obnoxious respect. Objections like these which are generally urged do not appear to be altogether devoid of force.

Again, one cannot, with complacency, as it seems to me, witness any practical elimination of the franchise now enjoyed by the District Municipalities and Boards. Nor does such consummation appear to be in the contemplation of the Government of India (see paragraph 11 of their letter). I would recommend as the result of my study of the question that the Presidency be divided into groups of two, or three or even four districts and that the Municipalities and District Boards of each group may be empowered to elect one representative.

It will be seen from the foregoing remarks that I have addressed myself only to portions of the several schemes referred.

I cannot close my brief observations without expressing my grateful acknowledgment for the kind and appreciative sentiments regarding landholders that find place in the letter of the Government of India.

X

Letter—from the Hon'ble Raja Vasudeva Raja, Valia Nambidi of Kollengode, Malabar district.
To—the Chief Secretary to Government.
Dated—Madras, the 14th January 1908.

I have the honour to acknowledge the receipt of your letter, dated 22nd November 1907, asking for my opinion regarding certain measures proposed with a view to giving the people of British India wider opportunities of expressing their judgment on administrative matters, etc. I beg to tender my hearty thanks to Government for having done me the honour of asking for my opinion in regard to such momentous questions as have been raised in the papers forwarded to me.

2. The objects of the Government of India are stated in detail in paragraphs 1 to 3 of their circular letter, dated 24th August 1907. Those objects appear to be, firstly and mainly, to bring all classes of the people into closer relations with Government and their officers, and to give the former wider opportunities of making their feelings and wishes known in respect of administrative and legislative questions. Secondly, the Government of India contemplate, as a necessary outcome of the measures they have in view, the association of the people, to a larger extent than hitherto, in the actual work of administration and also their

more extensive employment in the higher offices of the State. A third object appears to be to enable Government to make themselves better understood and to correct erroneous and often mischievous statements of facts and intentions.

3. The attainment of all the above objects is to be achieved subject to the essential condition that the executive authority of Government is maintained in undiminished strength. I may at once say that this is a condition with which I most heartily concur. Unfortunate as is the state of the country in many respects, and urgent as is the need for administrative reforms, to prevent the widening of the gulf between the rulers and the ruled, it would be disastrous to take any steps just now which might have even the appearance of weakening the authority of Government. I believe that I am voicing the feelings of almost everybody with a stake in the country when I say that the greatest evil which could now happen to us would be the creation of an impression that the British Government is vacillating or weak.

4. Subject to this essential condition, I am of opinion that the time has come when Government should go as far as they can, by way of associating the people with themselves in the administration of the country. It would be better in this matter to err, if at all, on the side of undue liberality than on that of insufficiency. It is unfortunate that, whenever reforms, large or small, have come in recent times, they have apparently come a little too late. The result has been that concessions granted by Government freely and of their own accord have been believed by large numbers of people to be due to agitation—sometimes mischievous agitation. For example, in the case now before us, though the Government of India have pointed out that the action taken by them has been so taken of their own initiative, there is a widespread feeling that this action has been taken as the result of the agitation which has been kept up in India—especially Northern India—during the last two or three years and to the pressure brought to bear on a Liberal Secretary of State by a few Members of Parliament. The concessions now contemplated, if they had come three years earlier, would have been received with enthusiasm all over the country and would probably have been substantially in advance of what the people were themselves anticipating. But the earnest attempts which are now being made to popularise the administration have been received by large numbers of people with coolness, and, what is worse, with mistrust. I say all this to enforce my view that, in dealing with the questions now before Government, it would be better in every way to deal liberally with the people *at the very outset* than to create the impression that Government will not move forward except under compulsion, and that, when they do move forward, they will not go further than they can absolutely help.

5. I will now submit my opinions in detail on the measures suggested by the Governments of India and Madras. In regard to the Advisory Councils, both Imperial and Provincial, I confess that I have grave doubts, firstly, about the expediency, and, secondly, about the utility of the proposed institutions. Taking the Imperial Council first, I fear that the proposal that the Ruling Chiefs of the Empire should sit at the same table with the landed aristocracy of British India will not be welcome to the former. Ordinarily, a Ruling Chief of even a small Native State is looked upon by people—both in British India as well as in Native States—as occupying a decidedly higher position than a Zamindar in British India, however eminent the latter may be. Such being the case, I fear that the Ruling Chiefs invited to sit on the Advisory Council will not care to bend, or to move on those terms of equality with their fellow members which is probably essential to make the proposed Council a success. It is not clear, from the papers communicated to me, what exactly are the questions which will be dealt with by the proposed Imperial Advisory Council. It is stated in a general way, in paragraph 4 of the Government of India's letter, that the idea is to associate the great Ruling Chiefs of the Empire and the territorial magnates of British India with the Governor-General in the guardianship of common and Imperial interest. So far as Imperial interests are concerned, it seems to me that the kind of association that is required and that would be unobjectionable from every point of view is that of the Ruling Chiefs with the heads of British provinces. The creation of a body, consisting, for example, of the Governors, Lieutenant-Governors, and Chief

Commissioners, as well as a select number of Ruling Chiefs, and entrusted with the responsible duty of advising the Government of India in matters of Imperial concern, would, I believe, be a very popular measure. But, with the utmost deference to the Ruling Chiefs of the Empire—among whom it is my privilege to know several—I must say that the attempt to import them into the administration of British India will create difficulties. The Ruling Chiefs of the Empire know little of and care less for the administration of the British provinces. They cannot, in dealing with a British Indian question, have that first-hand knowledge of the subject which is essential to make their opinion valuable. Further, should the opinion given by a Ruling Chief on a British Indian question be found to be at variance with that of the people of the province concerned, the cry would be raised that the Chief had given his opinion without adequately realising his responsibility. To proceed to specific instances, if His Highness the Maharaja of Travancore or His Highness the Raja of Cochin should give an opinion on any burning question relating to the Madras Presidency, what would be the result? Presumably, the opinion will be asked only when the question admits of a conflict of views. Probably, the conflict of views will be between the Government and the people. Should the opinion be in favour of the Governmental view, it would be alleged by the people that the opinion had been given out of deference to the Paramount Power. Should the opinion be against the Governmental view of the matter, the result would be embarrassment. I think that on the whole it will be inexpedient to mix up the Ruling Chiefs of the Empire with the administration of British provinces.

6. Should it be conceded that the Ruling Chiefs may be left out, the further question will then arise, why not have Imperial and Provincial Advisory Councils for British India composed of the landed aristocracy and of representatives of industry, commerce, capital and the professions? The chief objection that I have to these Councils is that they will duplicate the machinery of Government needlessly. It is proposed to enlarge the Imperial and Provincial Legislative Councils, to increase the number of members of those Councils, and to widen their functions. Would it not be better, when dealing with those Councils, to organise them on such lines that they would also serve the purposes contemplated by the proposed Advisory Councils? I make this suggestion with some diffidence. I do not see what exactly is the objection to the more stable elements of Indian society being given once for all a preponderating voice in the legislative bodies. If that were done, the objects contemplated by the Imperial and Provincial Advisory Councils would probably be achieved without the creation of a second set of Councils.

7. If the idea is that the Advisory Councils will, on account of the want of a definite constitution, be more easily manageable institutions than the legislative bodies, I venture respectfully to submit that this want of a definite constitution will, in the long run, instead of being an advantage, probably prove a serious disadvantage. To go into details, it is stated, as a point in favour of the proposed Advisory Councils, that their members could be consulted either individually or collectively. I should not be at all surprised if, after a time, the practice springs up that whenever an Advisory Council is consulted individually, the allegation will be made and believed that Government were afraid to consult them collectively. Again, Government propose to reserve to themselves the right to publish the opinions of the Advisory Councils on such occasions and in such form as they may consider expedient. The result will probably be that, whenever the proceedings of an Advisory Council are not published, the allegation will be made that, if they had been published, they would have been against Government. Nothing is a more lamentable feature of the present situation than the distrust of Government and the persistent misrepresentation of their intentions. It is stated as one of the objects of the proposed Advisory Councils that they are to diffuse correct information in regard to the acts, intentions and objects of Government. It will be unfortunate if, in attempting to prevent misapprehension, Government end in creating a larger volume of misapprehension than had existed before.

8. Probably the idea is that, whatever safeguards may be adopted in the development of the legislative bodies, such bodies are bound, in the present conditions of India, to be governed by democratic tendencies and that another set of

Councils, parallel to the House of Lords, is necessary to preserve the equilibrium. If that be so, it is necessary that the latter should have as rigid a constitution as the former. Otherwise they may not serve the purpose. I would therefore suggest that, if Government decide on the creation of Advisory Councils, those Councils be organised by statute, that their meetings be held at regulated intervals, that their discussions be open to the public, and that their place in the constitution of the Empire be sufficiently well defined to make them command public confidence. From this standpoint, I am against the proposal to fill up *all* appointments in the Advisory Councils by nomination. I consider it necessary that, *even at the outset*, the majority of the members of the Advisory bodies should occupy positions practically independent of Government. Either let the members be for life, or let them be elected periodically by the suffrages of the classes they represent. If the Advisory Councils are to represent landholders, merchants and other well-to-do people, industrial, professional or otherwise, an electorate might be formed on the basis of the land revenue paid to Government as well as of the income-tax, and it might be left to this electorate to choose the men. Government need not at the outset go in for election wholesale, but unless a substantial number come in by election, I fear that the Advisory Councils will not command the confidence even of the classes from whom they are recruited. Should Government accept the principle of election for Provincial Advisory Councils, I take it that there will be no objection to the recruitment of the Imperial Council by election from among the Provincial bodies.

9. I will now deal with the proposals for the enlargement of the Provincial Legislative Councils. The Madras Government propose to raise the number of non-official seats of the Local Council to 17. This appears to be quite liberal. In regard to the method suggested for filling up the seats, I fear that the proposals made by Government are not quite practicable. The cry has already been raised that Government, for political reasons, are attempting to accentuate caste differences at a time when, on account of the spread of Western education, such differences are becoming every day of less importance. The policy hitherto has been for Government to reserve in their hands a certain number of the non-official seats to be filled up by nomination. I would suggest that this policy be adhered to and, if possible, be adopted to an even larger extent than hitherto. Out of the 17 proposed non-official seats, I think that 5 might be reserved, to be filled up by nomination by Government. The nominations might be made *after* the election of the remaining 12. The discretion of Government with regard to these 5 seats might be left absolutely unfettered, so that the nominations might be so made as to provide for the representation of such castes or professions as fail to obtain adequate representation at the elections. Subject to this safeguard, I would throw open the remaining 12 seats freely to election, adopting areas and not castes as the general basis. The areas would have to be made sufficiently small to arouse adequate local interest and give local men a reasonable chance of success. My idea is somewhat as follows :—

(1)	To be elected by the Chamber of Commerce, the person elected being a member of that body	1	
(2)	To be elected by the Senate of the Madras University, the person elected being a past or present Fellow of the University	1	
(3)	To be elected by the planters of Southern India, the person elected being himself a planter	1	
(4)	To be elected by the Madras Corporation or by the citizens of Madras, the person elected being a resident of Madras City ...	1	
(5)	To be elected by the Circar districts	1	The persons elected to be residents of the areas concerned.
(6)	To be elected by the Ceded districts	1	
(7)	To be elected by Nellore, Chingleput, North and South Arcot ..	1	
(8)	To be elected by Salem, Coimbatore and the Nilgiris	1	
(9)	To be elected by Malabar	1	
(10)	To be elected by South Canara	1	
(11)	To be elected by Tanjore and Trichinopoly	1	
(12)	To be elected by Madura and Tinnevelly	1	
(13)	To be nominated by Government	5	
	Total ..	17	

If the qualification is fixed sufficiently high, both for being elected as well as for electing, there can be no difficulty in securing for the time seats assigned for the representation of the city as well as of the districts, men of position and local influence, who can be trusted to take a sober and practical view of the questions coming before the Council. Government appear to view with disapproval the entry into the Council of a large number of the members of the legal profession. I share the disapproval of a state of affairs which gives undue prominence to a single profession. At the same time, I would venture respectfully to deprecate any public enunciation of a policy of distrust in any one profession or class of the people. It should not be difficult to devise a scheme for the electorate which, while lessening the chances of any particular section, would not openly display either preference for or antipathy to any caste or profession. Further, I would respectfully enquire, if it is advisable that Government should appear to restrict the choice of the electorate in regard to the persons whom it wishes to send as its representatives. If the franchise is fixed sufficiently high and if the area are not made unduly large, I feel sanguine that representatives of the landed classes will find their way into the Council in larger numbers than hitherto. Take, for instance, the Circar districts—if the franchise for a voter were put at, say, the payment of a land revenue of not less than Rs. 2,000 or an income-tax of not less than Rs. 505, the result would be that the electorate formed would very adequately represent the zamindari and mercantile classes of that tract of the country. I would leave each electoral body to choose the best man from among its members. If the best man chosen by them happens to be also a pleader, he should not be objected to on that account. So also, in regard to Malabar, if the franchise is put sufficiently high, the interests of the janmis in that district will be absolutely safe.

10. In regard to the Imperial Legislative Council, I have no remarks to offer. Its constitution will depend to a great extent upon the constitution adopted for the Local Councils. I venture to submit in this connection that a Ruling Chief of the Empire can have no *locus standi* on a Council whose laws will not affect him.

11. I note that it is intended to give the enlarged Legislative Councils wider powers of debate. I confess to a feeling of scepticism as to the good which this change is likely to produce. At present, what makes the Councils disappointing in the public estimation is that it is all talk; and, so far as the public see, very little else besides. Under the present constitution of the country, the Executive Government is bound to remain supreme and the legislative body is bound in the end to be completely subordinate to the Executive Government. That being so, the sense of unreality in the debates of the Legislative Council felt by the people, and recognised by Government themselves, is bound to remain, even though the members of the Council may increase and even though the debates may be longer. This, however, is an evil which cannot be helped. It is inherent in the problem under consideration. I mention it, because it is almost certain, after a few years, for the cry again to be raised that the reformed Councils are as ineffective as the old ones which they superseded.

12. And this brings me to the last aspect of the administrative problems under consideration. I think that, for the present state of affairs, for the feeling of soreness and disappointment felt all over the country, for the widening gulf between the rulers and the ruled, the proper course of action lies, not so much in enlarging the legislative bodies or in organising new bodies as in associating the natives of the country in a larger measure than hitherto with the Government in the higher offices of the State. I make no apology for referring to this matter, because I find it stated by the Government of India that, as a necessary outcome of the measures now in contemplation, they look forward to giving the people a larger share in the actual work of the administration and more extensive employment in the higher offices of the State. It is not, however, quite clear how the larger employment of the natives of India in the higher offices of the State is to come about as the result of the organisation of the Advisory Councils or the enlargement of the Legislative Councils. I beg leave in this connection to quote from the evidence which I gave the other day before the Decentralization Commission :—

"Executive officers are not in adequate contact with the people. The chief obstacle is that the higher ranks are almost wholly European; and even with the best of Europeans, the average native of India finds it difficult to get into personal contact sufficiently close to enable the officer to know what exactly the people think and want. The people are also to blame, as they do not always fully and freely tell their European officers what they feel and think. The difficulty will remain till a larger native element is introduced into the higher ranks of the administrative services. In Native States, even when the Executive Government is inefficient and below the mark, there is seldom any complaint of want of touch between the executive and the people. I know both Travancore and Cochin and have the privilege of also knowing the rulers of those States in addition to a larger number of officers of both Darbars, some of whom I know very intimately. My impression is that, though the administrative machinery may not work as vigorously and efficiently in Native States as in British India, the higher officers in those States appear to be much more in touch with the people than in British territory. This is due almost wholly to the fact that the higher ranks in the executive service in a Native State are almost wholly native."

13. The appointment of Indian Judges to the High Court Bench has admittedly strengthened the administration of justice, so that at present the one branch of the public administration which is least assailed is the judicial. I cannot help feeling that if natives of India are associated in a larger measure in the executive administration the latter will be more in touch with the people, it will be less liable to be assailed, there will be less chance for the allegation of racial feelings being made against it, and Government will gain in their hold on the people, even though at some sacrifice of executive efficiency. From this point of view, I consider the recent appointment of two natives of India to the Secretary of State's Council to be a more important step than any reorganisation of legislative bodies, which, under present conditions and for several generations to come, must remain under the complete control of the Executive Government.

XI

Letter—from the Hon'ble Nawab Muhammad Raza Khan, Khan Bahadur, M C.S. (retired Collector and present Member, Legislative Council).
To—the Chief Secretary to Government.
Dated—Saidapet, the 31st January 1908.

I have the honour to acknowledge the receipt of your letter, dated the 22nd November 1907, forwarding copy of the letter of the Government of India and the memorandum drawn up by the Madras Government on the subject of Advisory Councils and the reorganization of the Imperial and Provincial Legislative Councils.

2. Before making any comments on the details of the scheme, I will premise by stating that I am strongly of opinion that the institution of Advisory Councils is not likely to prove of any real benefit or value for the purpose of eliciting opinion on measures which the Sircar has in contemplation of diffusing correct information as to the acts and intentions of Government. On the other hand, they may prove to be a great drag on the good government of the country. Had there been available in the country proper material for the formation of the Councils in question, it might have proved advantageous, but from my long official experience of the capacity and temperament of the people and my knowledge of their ways of thoughts and sentiments, I am convinced that there is not at present in the country men who might properly constitute members of Advisory Councils. If the Sircar form a Council from out of men available better competent to discharge their functions or not, it will be taking a leap in the dark, from which it may be difficult to turn back without raising a storm of agitation by those who have made it their business to criticise Government whether such criticism is justified or not. It must be remembered that there are three classes to be dealt with—the aristocracy or landlord class, the educated or professional class, and the great mass of the people. None of these

classes are in touch with one another. The landlords have always directed their efforts to filling their coffers, if necesssary, even by oppressing the common folk and the professional or educated class has never been deterred by scruples from exploiting both the other two classes. As a matter of fact there is no love lost between the various classes adverted to above. There is, however, much truth in the impression that the professional class exercises a great deal of influence on the landholders and the consequence of forming Advisory Councils will indirectly be to strengthen the hands of the former for working mischief. Utterly selfish motives underlie the action of most of the so-called educated and professional class, and I therefore apprehend that the proposed Advisory Council will be made a convenient vehicle to misrepresent to the Sircar the wishes of the people through the landlordial class. Between these two classes, the common people will be the sufferers and since they form the bulk of the population, I think it but right that, in the interests of the majority, the scheme should be dropped. District officers have at present every means of correctly gauging the feelings of the people, and themselves have no other personal motive in the matter than that of holding the balance evenly between the interests involved ; they are more fitted to advise the Government than those who will be dominated by personal considerations in expressing their opinion or giving advice to Sircar on its projected measures. One other object that the Government has in view by the formation of these Councils is the dissemination of correct information as to the acts and intentions of Government. If Government thinks that this object may be attained through these Councils it is based on the assumption that the aristocracy commands the confidence of the people. The fact, however, is not so. I shall certainly be slow to believe that a community whose sole aim has all along been to rack-rent and oppress the tenantry will be taken at their word by the latter. These Councils will therefore only help to hamper the Government without in anywise assisting it or the people.

3. I am equally opposed to the enlargement of the Legislative Councils, both Imperial and Provincial. I am not satisfied that a case has been made out for its expansion. Already much valuable time is wasted by my country non-official members in traversing over again the same grounds with eloquent speeches plausible to a degree and I cannot contemplate without a qualm of conscience the prolonged sitting of the Council after its expansion without any material benefit to any one. The Sircar has, in my judgment, gone far enough and we have at present a workable body. If it is desirable to provide for the representation of minorities, I have no objection to augmenting the present number by one or two and reserving them for such representation. Beyond that, I cannot see any need for the contemplated expansion.

4. From the foregoing remarks, it will be seen that I am not in favour of the institution of Advisory Councils or of the expansion of Legislative Councils. I have no hope that these views will be found acceptable, but I, nevertheless, record them as they may be of interest at some future time when the projected reforms have proved futile.

5. Regarding the details of the scheme, I wish to make the following comment :—

The object sought to be attained by Advisory Councils is to know the real wants and grievances of the people and to shape the administration as far as possible in conformity therewith as well as to interpret accurately the acts and intentions of the Sircar in order to prevent their actions and motives being misinterpreted and misunderstood. For this purpose, it is proposed to constitute an Advisory Provincial Council of about 20 or 25 members. The condition of each district in our Presidency is of so varying a nature that it would be well to select two representatives for each Revenue district. The possible objection to the adoption of this proposal may be that the Council might become unwieldy, but since it is quite optional with the Sircar to consult all or any of them or only such of them as the Sircar deems necessary, it appears to me that there can be no harm in adopting my suggestion. I agree with the Government in thinking that the landed and monied or commercial classes have the largest stake in the country and must therefore have the largest voice in the Councils of the Empire. But I am,

at the same time, by no means certain that they will in any sense represent the interests of the common people. It is true that the well-being of the poor may be safely left to the care of Government, but at the same time it seems to me necessary merely as a matter of expediency that the Sircar should nominate a certain number to represent the interests of the common people.

6. Concerning the Imperial Legislative Council, four seats have been reserved for the Muhammadan community, two to be filled by election and two by nomination. In view of the backward condition of that community, the reservation is not, in my opinion, uncalled for. The generality of Muhammadans being comparatively poor, the property qualification suggested is too high and requires to be reduced.

7. Regarding the Provincial Legislative Councils, it is superfluous to grant to the Brahman community a separate seat. The elective seats on the present Legislative Council are held by the Brahmans save in the case of the Hon'ble Mr. Krishnan Nair, and there is no reason to suppose that they will not continue to be returned in large numbers when the new expanded Councils come into existence. There is, therefore, no justification for reserving a separate seat for them. I would therefore alter Brahman into Hindu.

8. There is a general opinion, and I think there is some truth in it, that the property qualifications of a vote are too high. I quite realize that in a vast electorate like this Presidency it is desirable to put the qualification as high as possible, as otherwise the voters' list will be unduly large, I would, therefore, let the voters' qualification remain as it is, but I would not insist upon the same qualification as provided for in the case of candidates eligible for election. Educational qualifications may in the case of such men be insisted upon, but the effect of providing for a high property qualification in regard to them would be to exclude those who are otherwise competent and well fitted to represent the electors from being returned.

9. I think that the several provisions by which it is sought to prevent one class, profession, or caste predominating in the Council are absolutely necessary and have my cordial approval. I would wish that facilities were given to retired public servants drawing a pension of not less than Rs. 3,000 per annum being returned to the Council. Their practical experience in administration and their acquaintance with the actual conditions in various districts are likely to be of great value and their entry into the Legislative Councils deserves to be encouraged.

10. Ere subscribing to this letter, I wish again to add that I am not in favour of either the constitution of Advisory Councils or the expansion of Legislative Councils.

XII

Letter—from the Hon'ble Mr. M. KRISHNAN NAIR, Member, Legislative Council, Madras.
To—the Chief Secretary to Government.
Dated—Calicut, the 7th January 1908.

I enclose herein a note containing my opinion on the scheme and memorandum for the establishment of the Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils.

ENCLOSURE.

Observations and suggestions by the Hon'ble Mr. M. Krishnan Nair regarding the scheme proposed by the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, as also the memorandum drawn up by the Government of Madras with reference to the scheme.

Imperial Advisory Councils.—The establishment of an Imperial Advisory Council is intended for the purpose of eliciting the opinions and advice on administrative measures and proposals of the Government of India of those qualified to express such opinions and give such advice in all

ranks of society. The idea of an Imperial Advisory Council is a good one. But it is doubtful whether this idea will be realised in practice by means of the constitution of the Council as suggested in the scheme issued by the Government of India. In the first place the Council receives no legislative recognition and is not to be vested with formal powers of any sort. Its functions are purely advisory and it is to deal only with such matters as may be specifically referred to it from time to time. The councillors are not to be always consulted collectively. The Government may consult them individually or collectively according as it may seem fit to them. The individual councillors have no right to be consulted. The Government have the right of publishing the proceedings of the Council if it suits them. The councillors collectively or individually have no right to request the Government to publish the proceedings. These, I think, are serious defects in the scheme. The proceedings of the Council are, as a rule, to be private, informal and confidential. Unless legislative recognition be granted to this Council and it be invested with formal powers of some sort, it is not likely that the councillors will feel any sense of responsibility in giving their opinions. If the Council is to be established at all, the councillors must have the right of being consulted on matters which are to be placed before them. It should not be left to the Government to choose what councillors they think fit in a large body for consultation. The proceedings of the deliberations of the Council must also be published. The private, informal and confidential nature of the proceedings invest the meetings of this Council with the character of a secret conclave. No doubt, it is not always desirable that the opinions of the Government on administrative measures and proposals for action should be published: but the necessity of keeping the intentions of the Government a secret cannot from the nature of things apply to such administrative measures and proposals as are likely to be placed for their opinions before a large number of persons. Then again, the provision that the Government of India are at liberty to publish the result of the deliberations of this Council when they think fit to do so without giving the councillors the right to have it published when they think it desirable is, it is submitted, not quite fair to the councillors.

The provision that the Ruling Chiefs are to be members of this Council is, I venture to think, not quite sound and of doubtful utility. In the first place it may be doubted whether the Ruling Chiefs like His Highness the Gaekwar of Baroda, His Highness the Maharaja of Mysore, His Highness the Maharaja of Travancore, will relish the idea of sitting round the same table as councillors with men who are not themselves Ruling Sovereigns. The general principles and methods of administration in many of the Native States are different from those adopted in the British territory. The subjects of the Native States have, generally speaking, nothing in common with the subjects of the British territory. The topics that are likely to be placed for discussion before the members of the Advisory Council either individually or collectively are matters bearing on the administration of the Government of India. The Ruling Princes are not likely to give out their opinions freely on such topics and very often it will be embarrassing to them if they are called upon to express their opinions. In many cases they are also not likely to have opinions on such topics. The cost of travelling that will be incurred by the Ruling Princes, when they are to attend meetings at Calcutta or Simla, is also a thing to be taken into account. Very often this cost is likely to be excessive. Who is to bear it? Is it fair to these princes themselves to require them to meet the cost out of their State funds? and will it be fair to the tax-payers of British India if the Government of India is to meet this cost? The proposed number of Ruling Chiefs, namely, 20 out of a total of 60, that constitute the total number of the Advisory Council seems also to be excessive.

The term "Territorial Magnate" used by the Government of India in this connection is vague and has not been defined. Its import is not clear. What the qualifications of a "Territorial Magnate" are, for the purposes of the Imperial Advisory Council, is nowhere stated. If the qualifications fixed by the Madras Government for the purpose of electing a zamindari member to the Madras Legislative Council, namely, that he should be paying annually a peshkash of Rs. 20,000 to the Government, be taken as the qualification of a "Territorial Magnate" to entitle him to a seat in the Imperial Advisory Council, then there are only 36 "Territorial Magnates" in this presidency. If only such "Territorial Magnates" are eligible for nomination to the Imperial Advisory Council, then by far a large portion of the landed interests in this presidency will go unrepresented in the Imperial Advisory Council. I venture to think that it is essential that the smaller landholders, industry, commerce, capital and other interests should, as they are proposed to be included in the Provincial Advisory Council, be represented in the Imperial Advisory Council also, so that the most important landed and other interests in the country may not go unrepresented in the Imperial Council. It is also very doubtful whether among the zamindars in this presidency there are many who by means of educational and other qualifications are competent to give advice to the Government of India on administrative and other measures.

It is also desirable that a certain portion of the members of this Council should be elected by the different provinces.

Even with all the defects pointed out above in the proposed scheme, the establishment of an Imperial Advisory Council will be a step in the right direction and a decided improvement on the existing system of administration. It is likely to do good both to the Government and the people and will have the effect of bringing them nearer each other. But much will depend upon the proper choice of men as councillors.

Suggestions.—(1) Legislative recognition should be granted to this Council.

(2) It must be vested with powers of some sort.

(3) All the councillors must have the right of being consulted.

(4) The proceedings of the Council should be published.

(5) The provision relating to the inclusion of Ruling Chiefs in this Council should be omitted.

(6) If they are to be included, the number must be reduced.

(7) The qualifications of the "Territorial Magnates" should be defined.

(8) The smaller landholders, industry, commerce, capital and the other interests should be represented in the Council.

(9) Some elective element should be introduced into the constitution of this Council.

A separate Advisory Council consisting exclusively of Ruling Chiefs may be formed for purposes of consultation with reference to the affairs of Native States. This Advisory Council should have nothing to do with the Imperial Advisory Council intended for consultation with reference to matters relating exclusively to administration in British India.

Provincial Advisory Councils.—All the remarks submitted above with reference to Imperial Advisory Council apply *mutatis mutandis* to Provincial Advisory Councils also. It is desirable that each district in the province should be separately represented in the Provincial Advisory Councils.

Imperial Legislative Council —The proposed enlargement of the Imperial Legislative Council is stated to be with the express object of giving the people of India wider opportunities of expressing their views on administrative matters. The reforms introduced in 1893 after the passing of the Councils Act of 1892, comprising the enlargement of the Legislative Councils, the recognition of the elective principle, the admission of interpellations and the discussion of the budget, were held, it is admitted, to be justified by the spread of English education and by the indubitable proof which the natives of the soil had given of their intellectual fitness for their increased employment in the actual administration of the country. Since then, education has made considerable progress amongst the people. It is admitted that the number of pupils studying English language annually has been almost doubled. The number of students passing the annual Matriculation Examination of the Indian Universities has also increased, roughly speaking, in the same proportion. The number of those who take Degree of Bachelor of Arts annually has more than doubled during this interval. The resolve therefore of the Government to afford wider opportunities to the people for expressing their views on administrative measures is, it is submitted, wise and statesmanlike. But, here again, I venture to think that the proposed changes in the constitution and functions of the Imperial Legislative Council will fail to secure the end in view. In the first place the strength of the Council as suggested in the scheme is not sufficiently high. The maximum strength of the Council according to the scheme is only 54 including His Excellency the Viceroy and all the other official and non-official members. The official members themselves including a Ruling Chief to be nominated by His Excellency the Viceroy make up the number 30. There remain then only 24 members including all the nominated and elected non-official members. Two of these are experts to be nominated by His Excellency the Viceroy when necessary for special purposes. Thus in reality there are only 21 members who represent the whole of the people of India. This, it is submitted, is quite insufficient for anything like an adequate representation of the people of this country.

Emphasis is laid more than once in the scheme upon the necessity of keeping the authority of the Government supreme. Nobody doubts the legitimacy, desirability or necessity of maintaining the authority of the Government. The authority of the Government must, in the existing circumssances of the country, be supreme. But this, it is submitted, is true only of the executive authority of the Government. It is not always necessary for the safety of the country that the Government should be able to carry out its wishes in the Legislative Council also. Having regard to the spread of English education among the people, it is, I think, necessary that the number of non-official members in the Imperial Legislative Council must be at least as large as that of the official members. The possible danger of a non-official majority passing in the Council a resolution or a measure which the Government thinks ought not to be in the interest of the country given effect to can be prevented by investing His Excellency the Viceroy with the power of vetoing any resolution or measure passed by the Council.

It seems to me that a contrast is made in the scheme between the landholding and commercial classes and professional classes. The landholding and commercial classes are said to possess a "material stake" in the country. It seems to be implied that the professional classes do not possess a material stake in the country. It is again assumed that it is only the great landholders that constitute the "stable elements" in Indian society. The professional classes and especially the lawers are assumed not to be stable elements in Indian society. If my interpretation be correct, then, I respectfully submit that the Government do a serious injustice to the educated classes generally and the lawyers and professional classes in particular. Nobody denies that the landholders and the commercial classes have material stake in the country and form stable elements in Indian society. But it does not follow that others also do not possess material stake in the country and form stable elements of society. The educated classes including lawyers and other professional men form as stable an element of society as any that can be found in the

country. Educated Indians generally have nothing to gain and everything to lose by a change in the Government of the country. They are able more than others to understand the benefits that the country enjoys under the rule of Great Britain. They can compare the systems of administration obtaining in British territories with those obtaining in other parts of the world. They are thus in a position to appreciate the blessings of British rule. They owe the position and the influence which they possess in the land to their English education. No doubt some of them sometimes criticise the acts and measures of the Government sharply and severely and even intemperately and violently. But that is not inconsistent with a sincere desire to maintain the authority of the Government intact.

It is stated that the lawyers possess a prominence in the Legislative Councils which they do not deserve, and suggestions are accordingly made in the scheme to deprive them of this prominence. I venture to think that the Government have overlooked many considerations which have given this prominence to the legal profession in the Legislative Councils. In the first place, it is a mistake to make such a sharp distinction between lawyers and land-owning classes as is made in the scheme. Many of the lawyers are also land-owners. Thus the influence possessed by the lawyers in the Legislative Councils is also an influence possessed by land-owners. Secondly, the most important work that is done in the Legislative Councils is in connection with legislation. That is a technical subject and naturally lawyers by their training and habits are best fitted to take part in such work. It is for this reason that the electorate returns lawyers to the Legislative Council. Moreover lawyers have at all times and in all countries taken a prominent part in all legislative assemblies. Even in the British House of Commons there is a strong element of lawyers. In the present cabinet, too, there are several lawyers. It is not surprising therefore that in India the legal element should have a prominence in the Legislative Councils. There is also a third reason why the legal profession should have considerable influence in the Legislative Councils. It is this. It is only men of education that can take part in the work of Legislative Councils. Among the educated men in India a small number takes to journalism as a profession. Some others adopt Engineering, Medicine and other professions. But the great bulk of English-educated men in this country are absorbed either by the public service or by the Bar. Those who enter the Government service are, for obvious reasons, not elected to Legislative Councils. Their mouths are necessarily closed. The only men therefore available for the electorate to be returned to the Legislative Councils are, broadly speaking, lawyers. Therefore it is that the lawyers possess a prominence in the Councils. It is respectfully submitted that an attempt of the Government of India to deprive the lawyers and "schoolmasters" of their present influence in Legislative Councils is to deprive the Government of valuable assistance which they now have. I venture to think that it will be difficult for the Government to find a substitute for the help which they now receive from lawyers in the Legislative Councils.

It has been already pointed out above that the proposed maximum strength of the Council, including His Excellency the Viceroy, is only 54 and that this number is quite inadequate. Out of this 54, the number of elected members is only 18. Out of this 18 again two are chosen by the Chambers of Commerce of Calcutta and Bombay, two by Muhammadans and seven by the nobles and the great land-owners of the different provinces of India. There thus remain only seven members to represent the smaller landholders, industry, capital and other interests in the country and the people generally. I respectfully submit that it is quite unreasonable to say that seven members can adequately represent the many millions of people and a variety of interests in this vast continent. It is absolutely necessary that if any real living representative element is to be introduced into the Council, the number of members to be elected by the masses or by their representatives like the non-official members of the Provincial Legislative Councils must be many times seven. Of these seven, even according to the system now in vogue, four are elected by the non-official members of the Councils of Bombay, Madras, Bengal and the United Provinces. Under the scheme three more are to be elected by the Councils of Eastern Bengal and Assam, the Punjab and Burma. These Provincial Councils should be invested with the power of returning several members for each of the provinces respectively. An alternative suggestion that I have to make in connection with this is that the whole country may be divided territorially into groups and each group may be allowed to send one or more members direct to the Imperial Legislative Council.

The nobles and the great land-owners of the seven provinces which have Legislative Councils are allowed to have seven representatives one for each province in the Imperial Legislative Council. One suggestion made in the scheme for creating an electorate in each province is to give the right of voting to those who pay a land revenue of not less than Rs. 10,000 a year. It is submitted that, so far as this presidency is concerned, this suggestion will not bring into existence a sufficiently large number of electors. There are only about 80 zamindars in the whole of this presidency paying a peshkash of Rs. 10,000 a year to the Government, and these eighty reside in twelve districts of the presidency. The ryotwari landholders who pay direct to the Government an annual revenue of Rs. 10,000 are not many in this presidency. The result, therefore, of fixing the qualifications for voting at so high a figure as Rs. 10,000 is that there will be only a comparatively small number of voters in the presidency and that parts of the presidency are likely to go unrepresented. It is desirable therefore that the pecuniary qualifications for voting should be considerably reduced. The alternative suggestion made in the scheme

that in some province a representative of this class, whether in the Provincial or in the Imperial Council can be obtained by a system of nomination is also, I think, not a sound one. Nomination can never be a good substitute for election.

Of the non-official members in the Imperial Legislative Council, two are specially reserved to be elected by the Muhammadans. In addition to these two Muhammadan representatives, two non-official Muhammadans are also to be nominated by the Government. Thus out of the small number of the non-official members allowed in the Imperial Legislative Council four are to be exclusively Muhammadans. In addition to these four it is also likely that a certain number of Muhammadans may be returned directly to the Imperial Council by election by the non-official members of the Provincial Councils. The non-official members of the Madras Legislative Council have in fact for the last six years been returning a Muhammadan gentleman to the Imperial Legislative Council. It is stated in the scheme itself that in two of the provinces which have Legislative Councils, namely, Eastern Bengal and Assam, and the Punjab, the followers of this religion constitute the majority of the population, and it is therefore possible that a certain number of Muhammadans may be returned to the Council directly by election by the non-official members of the Legislative Councils of these two provinces. It is submitted that this principle of reserving seats separately for one community and of fixing the number of these seats at so high a figure as four in a Council containing only a limited number of non-officials is not a sound one. Let me not be misunderstood. No community in the country has any interest adverse to the interests of the Muhammadans. The prosperity and well-being of the Muhammadan community will also tend indirectly to advance the prosperity and well-being of the members of the other communities.

As has already been pointed out the non-official members of the Madras Legislative Council have for the last three terms been successively returning a Muhammadan gentleman to the Imperial Legislative Counci . What is submitted is that the principle of religious representation in Legislative Councils ought not to be maintained and perpetuated. In this connection, I wish also respectfully to take objection to the distinction which is recommended by the Government of India for adoption by the Local Governments in the qualification of the Muhammadan and the other electors. It is suggested that for the purpose of creating a special Muhammadan electorate for returning members to seats which are reserved exclusively for Muhammadans, all who pay a land revenue which should be sufficiently low to embrace the great body of substantial landholders, all payers of income-tax and all registered graduates of an Indian University of more than five years' standing should be given the power of voting. Similar concessions are not granted to the members of other communities. This distinction is, I submit, invidious. The better course will be to reduce the qualifications for voting of all electors irrespective of creed to those that are now recommended for adoption for Muhammadan electors.

Suggestions.—The total number of councillors should be raised to a much higher figure than 54.

(2) The number of non-official members must be at least as large as that of the official members, His Excellency the Viceroy being invested with the powers of vetoing any resolution or measure passed in the Council.

(3) The number of elected members must be considerably increased.

(4) Special seats ought not to be reserved for any particular creed.

(5) Even if special seats are to be reserved for Muhammadans, they ought not to be so high as four.

(6) The qualifications of voting for the landowning classes must be reduced to a much lower figure than Rs. 10,000 per annum.

(7) The qualifications suggested for Muhammadan voters must be extended to all voters.

Provincial Legislative Councils.—If the proposed changes with reference to the Imperial Legislative Council are unsatisfactory, the alterations proposed in respect of the Provincial Legislative Council are highly disappointing. In the first place, though the Government of India specifically say that they do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years the Government of Madras have according to the memorandum which they have prepared withdrawn this privilege from the District Boards and Municipal Councils of this presidency. This, it seems to me, is a retrograde step. A redistribution of the franchise is undoubtedly necessary in this presidency as well as in other parts of India. But no class of persons now entitled to exercise it should be deprived of it unless it be shown that they deliberately misused it. No one says that the privilege which the District Boards and the Municipalities of this presidency enjoy has been misused. On the other hand the Government themselves have more than once expressed the opinion that the system under which non-official members are at present elected to the local Legislative Council has worked satisfactorily. The *Madras Mail* and other papers edited by Englishmen, not to speak of the Indian papers, have also, notwithstanding the criticism which they have sometimes made with reference to individual actions of members, expressed the same opinion. In these circumstances, I venture to think that no necessity has been shown for depriving the District Boards and Municipal Councils of the privilege which they now enjoy.

As stated above with reference to the Imperial Legislative Council, it is necessary that in the local Legislative Councils also, the number of non-official members must be at least as large as that of the official members including His Excellency the Governor. Here again as was suggested with reference to the Imperial Legislative Council His Excellency the Governor may be vested with the power of vetoing any resolution or measure passed by a majority in the Council. The power of vetoing will sufficiently prevent the danger of the majority in the Council passing any resolution or measure which, in the opinion of the Government, is injurious to the interests of the country. To maintain the executive authority of the Government in undiminished strength which is undoubtedly necessary in the interests of the people at large, it is not necessary that the Government should have preponderance of official members in the Legislative Council also. The power of veto suggested above will secure to the Government the necessary power.

According to the scheme of the Government the number of non-official members inclusive of those elected and nominated is fixed at page 17. This number, it is submitted, is too low. In addition to the number that may be nominated by His Excellency for the protection of special interests and minorities and those that may be selected by special bodies such as the Madras Chamber of Commerce, the Senate of the University and the zamindars, there must be at least one member representing each district in the presidency. These district representatives should be allowed to be chosen by the people themselves. Territorial representation seems to me to be best suited to the circumstances of the country.

Under the scheme special representatives are allotted to Lawyers, Brahmans, Muhammadans and Christians. It is difficult to understand why a separate seat is allotted to "Barristers, Advocates, Vakils and certificated pleaders." These members of the legal profession have as such no special interest to represent in the Legislative Council. Lawyers, if they happen to be members of the Legislative Council, will represent the landed, commercial or their interests. In any case there is no necessity for allotting a separate seat to the profession of law. It is respectfully submitted that the division of people by casts and creeds for the purpose of representation in the Legislative Council is highly objectionable in principle. There are no caste and religious interests in the Legislative Council. The whole trend of educaton imparted in English schools and colleges and the general policy that has hitherto been pursued by the Government has been to ignore distinctions of caste and creed and to teach the people to ignore them. There are no separate schools and colleges for Brahmans and non-Brahmans, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu which described different punishments for the same offence according to the caste to which the offender belonged. It is too late in the day now to ask the people to go back to their caste organisations or to reconstruct them for the purpose of electing members to the Legislative Council. Unfortunately there are many disintegrating forces in India and caste is probably the most powerful of them. The most potent force that has been working in the country for several generations past against the caste and other disintegrating forces has been the healthy unifying influence of the policy that has been followed by the British Government. This policy has apparently been reversed in the memorandum under consideration. Sectional schism and division which are kept under control under wise policy of the British administration till now will appear with renewed vigour under the conditions laid down in the scheme. Caste is already a very rigid institution in the country. Anything calculated to afford further rigidity to the caste system must be carefully eschewed by all and especially by the Government. To make caste system the basis of political franchise is, I submit, a grave blunder. Then again six seats are allotted to "all other persons" together. Apparently what is meant by "all other persons" in the scheme is the non-Brahman Hindus of this Presidency. If this be the correct interpretation of the expression "all other persons," then the principle underlying the grouping of all non-Brahman elements in the Presidency which are divided and sub-divided into numerous sects and sub-sects under one head is not clear. These sects and sub-sects are as widely apart from one another as the Brahman and the Muhammadan or the Christian. According to the reasoning adopted in the scheme, each caste of non-Brahman community is entitled to separate representation. In fact the principle adopted in the scheme for separate representation of castes and creeds is highly unsound and leads to all sorts of untenable positions. There is also considerable practical difficulty in working out the scheme. To group all members of a caste throughout the presidency in one electorate will be highly unsatisfactory. That all the members of a caste from the northernmost limits of Ganjám to the southernmost limits of Tinnevelly can be represented by one gentleman will be still more unsatisfactory.

If however the Government ultimately resolve to have caste representation in the Legislative Council, then, I submit that it is essential that the Nayars should have a special representative of their own in the Legislative Council. They are a class found only in the district of Malabar and in the southern half of the South Canara district. (The Nairs of Cochin and Travancore are for obvious reasons not referred to here.) Their customs and manners are different from the customs and manners of the other castes in the presidency. If caste representation is to prevail one of the six seats allotted to non-Brahman Hindus or any other that may be specially reserved for the purpose may be given to the Nayars.

The suggestion that no person shall be qualified to be a candidate for election by a body class or caste unless he be a member of that body class or caste is, I think, also not a good one. It may be that a particular community may not be able to find within its own fold one who is sufficiently competent to represent it. In such circumstances it must be left to the members of that community to choose any one who is competent to represent them and in whom they have confidence.

The pecuniary qualifications giving a person the right of voting are fixed too high. It is only those that pay a peshkash or land revenue of Rs. 20,000 to the Government annually that are entitled to vote for the selection of the zamindari representative. As has been already stated there are only 36 zamindars in the whole presidency paying an annual peshkash of Rs. 20,000 to the Government and among the ryotwari holders who pay land revenue direct to the Government the number of those that pay a revenue of Rs. 20,000 will be very few. Thus the number of electors for the zamindari group will be comparatively small, and among the members of this class who are competent to vote and be candidates for selection there are only very few who possess the other qualifications necessary for a member of the Legislative Council. Some of them do not know English. Some others may be able to read and write English but are not able to understand the proceedings that take place in the Legislative Council. There are only very few who possess all the qualifications necessary for membership in the Legislative Council. The consequence therefore of fixing the qualifications of voting at so high a figure as Rs. 20,000 is that considerable difficulty will be felt in finding a proper person to represent the zamindars in the Council.

The pecuniary qualifications fixed to entitle a person to vote for representatives of the other classes are stated to be an annual income of Rs. 5,000 or the payment of an annual revenue of Rs. 2,000 to the Government. This limit is also very high. It will have the practical effect of excluding from the Council men of light and leading among the middle classes who are thoroughly able and willing to serve in the Legislative Council. A very large majority of the people in this presidency who are qualified by their education to exercise the right of voting do not come up to the property limit fixed above. It has been stated and that with reason that according to the property qualification Mr. Gokhale if he were in this presidency would not be eligible either to vote or be a candidate to the Legislative Council. Unfortunately, education, intellectual capacity and other qualifications necessary for a member of the Legislative Council do not always go hand in hand with health. It is, therefore, I venture to think, highly desirable that the property qualifications for voters and candidates among what for want of a better term, may called the middle classes should be considerably reduced. The qualifications suggested by the Government of India for Muhammadan electors may, I think, be adopted for all electors and candidates to the local Legislative Council. The Government of India say, as has been already stated above, that for the purpose of forming the Muhammadan electorate all who pay a land revenue in excess of a certain amount which should in all cases be sufficiently low to embrace the great body of substantial landholders, may be given the franchise. This amount, I think, may reasonably be fixed at Rs. 500. The Government of India further observe that for the purpose of the Muhammadan electorate all payers of income-tax, that is, all those who receive annual income of Rs. 1,000 a year may also be given the right of voting. This qualification may also be fixed for the purpose of electors in general, irrespective of caste or creed. The third suggestion of the Government of India with reference to Muhammadan electors, namely, that all graduates of an Indian University of a particular standing, say, five years, should also be given the right of voting may be made applicable to voters and candidates of all classes.

It is a matter for deep regret that the Madras Government have not made literate qualification as a qualification for voting or standing as a candidate for the Legislative Council. The Government observe: "It is a question whether literate qualification should be insisted upon." They are further of opinion that the property qualification having been made a high one it is not necessary to make any provision for literate qualifications as a qualification for voting. As stated above, wealth and intellectual qualifications do not always go hand in hand. I do not think that it can be reasonably stated that wealth alone entitles a person to a seat in the Legislative Council. It may be that a person possessing the requisite property qualifications is not able to understand anything that takes place around him in the Legislative Council. It may be mentioned here that the Government of India themselves suggest in their scheme that literate qualifications may be made a basis for franchise.

As stated above, it is necessary that graduates of a stated standing though they may not possess the requisite property qualifications should be rendered eligible both as voters and as candidates.

The alternative suggestion put forward by the Government of filling up some of the seats proposed to be reserved for election by domination to get rid of the difficulty in arranging for voting for a wide area is also not a sound one. Nomination as has been already stated can never be a good substitute for election.

Suggestions.—(1) The number of non-official members must be raised to more than seventeen. (2) The number of non-officials must be at least as large as the number of officials, His Excellency the Governor being vested with the power of voting. (3) Each district should be allowed at least one representative. (4) Territorial representation should be granted. (5) The qualifications for voting must be considerably reduced both in the cases of zamindars and large landholders as well as in the cases of others. (6) In the case of these others the qualification for voting and standing

as candidates may be fixed on an annual income of Rs. 1,000 or a revenue of Rs. 500. (7) All graduates of a particular standing should be given the power of voting and standing as candidates. (8) Seats should not be reserved for castes and creeds.

Discussion of the Budget in the Legislative Council.—The non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget. Here again as a safeguard the head of the Governments may be invested with the power of veto in cases of necessity.

Ultimately, whatever reforms the Government may finally resolve to adopt, it is necessary that they should be such as to be suitable not only to the present circumstances of the country but also for at least some years to come. The reforms that were introduced only some fifteen years ago are already found unsuitable to the existing circumstances of the country. Education is rapidly advancing and it is therefore necessary that the changes which may ultimately be introduced should be rendered suitable at least for the next thirty years.

XIII

Letter—from the Hon'ble V. KRISHNASWAMI AIYAR, High Court Vakil and Member, Legislative Council.
To—the Chief Secretary to Government.
Dated—Mylapore, Madras, the 3rd February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd of November 1907, with its enclosures and annexure.

The first of the proposals contained in the papers under reference is the formation of an Imperial Advisory Council and of a Provincial Advisory Council. I do not think these Councils can serve any useful purpose. The Legislative Councils of the day are little better than advisory—and the constitution of a new body with no statutory recognition is, to say the least, a superfluity. The idea of the Executive Government consulting the leaders of the people whether they are hereditary territorial magnates or merchant princes or the rulers of Native States is not new. Imperial and Local Governments have often consulted such men and Viceroys and Governors, in their various tours throughout the country, grant special interviews to them and ascertain their views in an informal way upon the pressing questions of the day. I believe they are sometimes guided to the conclusions at which they arrive by the opinions informally expressed by the class of persons referred to. The present proposal is apparently an extension of that idea. No statutory rights and privileges are intended to be conferred. It is not in contemplation to constitute these advisers or councillors into a body entitled to express their views to the authorities. The new body has no right to be consulted, has not the privilege of meeting and discussing questions among its own members though if the Government pleases it may invite them to do so, its proceedings are to be private and confidential, Government is to be at liberty to make any use of its opinion or opinions while the members of the body will not enjoy the privilege of publication, and in fact it is to have no legislative recognition. It seems to me that the above statement of its character carries its condemnation on the face of it. The members will have to bear all the odium of an unpopular opinion if it happens to meet with the approval of the Government which will then have the inducement of publication to strengthen its own position. They will never get the credit of furthering popular interests or demands if their views do not obtain the sanction of the authorities, for it is certain that the confidential character of the communications will then be strictly maintained. The system advocated will lead to selection of particular individuals known to possess illiberal views according to the particular occasion. It is at all events certain that the suspicion of such an invidious selection cannot easily be avoided by the Government. It is exceedingly desirable that the members of Government should be in personal touch with the leaders of the people. It is a mistake to suppose, however, that such leaders are generally to be found in the territorial magnates and merchant princes. The men of this class are not generally remarkable for their intelligence or education or their study of the political and economic conditions of the country. A body composed of such people will easily become the subject of popular ridicule, if not of

popular hatred. While it is desirable that among the informal advisers of Government there should be a sprinkling of such men, more at present with a view to their being educated to an adequate sense of their responsibilities than for the benefit to be derived from their advice, I am decidedly of opinion that the position of Government will not in any way be strengthened in the affection and attachment of the people by the constitution of the proposed Councils. Nor do I think that the Government will succeed in securing the love and attachment of the class itself that is proposed to be invited to the Council, for, in its general lack of intellectuality the inevitable distinctions in the bestowal of Viceregal or gubernatorial favours and the marked differences in the customary styles of courtesy will engender heart-burnings and jealousies calculated to create dissatisfaction with the ways and methods of Government. As regards the constitution of this body, it appears to me to be a great mistake to include ruling chiefs among their number. It is an open secret which Viceroys have sometimes failed to realize and appreciate that Imperial Darbars intended to impress foreign powers with the might of the Indian Empire and to overawe malcontents with the Empire itself have left the native rulers sulky, many of them discontented with what they have regarded as their humiliation and most of them troubled by the differences in precedence in connection with the elaborate ceremonial observed. Membership of the Advisory Council will not in the opinion of the native rulers add to their dignity. A frank expression of their views on any question is not to be expected. Nor are they likely to be credited with independence in the expression of their opinions regarding British Indian affairs when many of them have not even the courage to assert their individuality before the Political Agents in connection with their own States. They are certain to suffer in the estimation of their own subjects. The English theory that the king can do no wrong is a wholesome principle applicable to Indian princes as well, whom convention allows to speak only through the mouths of their Diwans or Ministers. If they express unpopular opinions, they are sure to be criticised in the press and on the platform and it will interfere with the smooth administration of their own States if they are subjected to such public criticism. The scheme of an Advisory Council has nowhere been received with enthusiasm, not even by the class whose vanity it may be supposed to appeal to. If native rulers, territorial magnates and merchant princes are invited to meet upon a common platform of equality when the Government chooses to consult them in meeting assembled, no harmonious results can be looked forward to. While therefore fully appreciating the desire of the Government of India individually and collectively to be in larger touch with the aristocracy of the land, I cannot but deprecate the artificial creation of a body of men bearing the label of Imperial Councillors. All men of note and of light and leading whether they belong to the aristocracy of wealth or of rank or intellect should be equally sought after by the authorities by the occasions for mutual intercourse being largely multiplied and by the development of a spirit of sympathetic intercourse and respectful attention to representations on all subjects of imperial and local interest.

The above remarks are generally applicable to the Provincial Advisory Councils as they are to the Imperial Advisory Council with only such modifications as the absence of the element of the native rulers in the Provincial Councils may require. There are plenty of men of all ranks whom the Provincial Governors are in the habit of meeting in the Presidency towns and in their tours through the country. Instead of the visits being merely ceremonial and liable to the suspicion that they are devised oftentimes to impress the visitor with the inferiority of his station, if advantage be taken of them to develop a spirit of friendly frankness, a great deal can be achieved in the way of bringing the authorities into closer relations of mutual confidence, which after all will prove the strongest bonds calculated to knit the Empire together.

In case the views above explained do not find acceptance in their entirety and it is decided to form Advisory Councils--Imperial and Provincial--I would still urge the inexpediency of including ruling chiefs among the members of the Imperial Council. It is a point worth considering whether membership of the Council should then be confined to the territorial magnates and merchant princes. I believe the men who

have far greater influence with the people and command their respect and admiration will be found among the high native officials who have retired from actual service, like High Court Judges, and among the men who have been honoured by Government with the Commandership of the Star of India or the Companionship of the Indian Empire for distinguished public services rendered. It seems to me that a proportion of the members of the Advisory Council may belong to this class which may be said to correspond to the peers newly created in England in recognition of their literary, scientific or political eminence. The Councils will then acquire some measure of popular esteem, for however much the democratic leaders of the people may differ from the intellectual celebrities who belong to the Advisory Councils, the opinions of the latter cannot be easily discounted as partaking of invertebrate assent to the behests of Government.

The enlargement of the Legislative Councils is the next and perhaps the most important item in the proposals of the Government of India. The first point in this connection is the question of maintaining an official majority. I do not think the discussion of this is profitable. Arrangements may be suggested which without maintaining an official majority may still give the Government an absolute power of final decision. I do not think it possible to persuade the Government at the present moment to frame the new constitution except upon the basis of a standing official majority. Certain statements are to be found here and there in the course of the despatch under consideration which are open to serious question. It is stated that territorial representation is unsuited to India, and that the professional classes exercise an excessive (and presumably undesirable) influence in the Councils and so on. The Government of India cannot but be aware that in all legislative assemblies in Europe and in America, the professional element by reason of its high culture, its independence, practice in debate and familiarity with the forms and language of legislation largely preponderates over the representatives of other sections of the people and is bound to enjoy that pre-eminence in the future. The experience of Local Governments in India cannot but endorse the value of the assistance derived in legislation from the ability and experience of the professional element. Any large measure calculated to materially minimise that influence is certain to tend to the weakening of the Councils. While agreeing with the Government of India in their desire to secure the larger co-operation of the landed and mercantile interests in the task of legislation, I cannot but regret the serious misconception of the conditions of this country which are bound more largely than in other places to enhance the representative character of lawyers and schoolmasters that are practically the sole exponents of independent opinion.

I next address myself to the number and distribution of the seats in the Imperial Legislative Council. I would fix the official proportion exactly at one half including the Viceroy. The Viceroy has his casting-vote and there is therefore no danger of the Government being defeated. There is of course the possibility of the occasional absence of individual official members against which must be set off the similar possibility in the case of the non-official members. There is a further safeguard in the variety of classes and interests representing the non-official group rendering a wholesale combination against Government a practical impossibility. There are the European representatives and the members nominated to non-official seats. It is almost chimerical to suppose that all these will combine to a man with the elected Hindu, Muhammadan and Zamindar representatives to defeat the Government on any measure. If such a combination should ever take place one may venture to think that the Government must be hopelessly in the wrong; and even in that event there is a reserve of power in the casting-vote of the Viceroy, not to speak of the veto. Starting therefore with the number 54 as the strength of the Council including the Viceroy and deducting 27 for the official half, we have 27 left for non-official seats.

I would have no ruling chief in the Legislative Council for the reasons I have already explained. I agree to two seats being assigned to each of the Chambers of Commerce in Calcutta and Bombay. I also accept the principle of special representation of Muhammadans by giving them two seats to be filled up by election. It is a difficult task to create a new constituency on any kind of qualification. I

would for the present select two Muhammadan associations sufficiently representative and registered under the law—one in Calcutta and another in the United Provinces—to exercise the franchise. I do not think it necessary to have seven elected representatives of the great landowners. I would assign four seats to them—one to the nobles of Madras, one to those of Bombay and Central Provinces together, one to those of Bengal, Eastern Bengal and Assam together, and one to those of the United Provinces and the Punjab together. I would reduce the number of seats to be filled up by nomination to five of whom one or two may be Muhammadans selected from Madras, Bombay or the Punjab by rotation and the rest representatives of universities or experts skilled in any particular department of knowledge. This leaves fourteen seats to be competed for by the non-official members of the seven Provincial Councils named at the rate of two for each province, not an undue representation when it is remembered that those Councils themselves should be considerably enlarged. It may perhaps be desirable to have a new Legislative Council constituted for the Central Provinces. In the event of that suggestion meeting with approval each of the eight Councils will have one representative while the six extra seats will be distributed among the more important of the Councils. The scheme of the Government of India is open to serious objections in so far as it practically confines the popular representation to seven seats out of a total of 54 and gives much exaggerated importance to the value of zamindari representation. While securing to Muhammadans the minimum representation of two seats, I would leave it to their self exertion to secure a larger representation by competing with other communities through the regular channels, it being always open to the Viceroy to recognise distinguished merit or the need for special interests at particular times in the exercise of his power of nomination. I have made the foregoing observations with reference to the constitution of the Imperial Legislative Council merely apportioning the seats on the assumption that the number is not to exceed 54. It will be readily apparent that if the number should be fixed at a higher figure, new constituencies will have to be found for allotment of the extra seats. The non-official members of Indian Universities may then be constituted into electorates for the purpose of filling the additional non-official seats.

I pass now to the consideration of the Provincial Legislative Council of Madras; and here I would *in limine* raise the question whether the Provincial Legislative Council is to be constituted on the same model as the Imperial with the statutory preponderance of the official element. The system is subject to the obvious disadvantage of the officials voting by mandate in accordance with the view of the Executive Government, notwithstanding their individual differences of opinion. It is difficult to find a justification for this exceedingly embarrassing position for the official member except on the theory that he should not be burdened with anything but an official conscience but should hold his office by a tenure which involves the subordination of individuality. The undignified spectacle is often presented of the Executive Government naturally changing its attitude in the course of a debate with reference to particular motions before the Council followed by the official voters from side to side to the amusement of their non-official colleagues. The analogy of party voting in European countries does not hold good for the voter has the choice of his party with which he is in general agreement and is not forced to seek it for his livelihood. If any plan can be devised which will save the official from the humiliating position to which he is consigned and which he realises more than others, maintaining at the same time the authority of the Government in the matter of legislation, it ought to be welcome to the Local Governments and the Government of India. The theory of the existing statute does not involve the enunciation of the principle that officials shall preponderate in the Council. Section 29 of 24 and 25 Vic., ch. 67, declares that the non-official additional members of Council shall be not less than one half, thereby allowing the theoretical possibility of a larger proportion even up to the whole number being non-officials. It is much to be regretted that this theoretical foundation should be shifted by an avowed change in favour of the preponderance of the official element. I have no desire that in practice the constitution should be otherwise than calculated to ensure the final control of legislation in the hands of the Executive Government at present. But if we can combine this principle with some measure of independence to the official vote, there must be distinct advantages in

favour of the change. It occurs to me, therefore, that the Provincial Council should be altogether free from the Executive Government. I would constitute a Council consisting of 48 members for the Presidency of Madras. I would assign 30 seats for election, 6 non-official seats to be filled up by nomination by the Government and the remaining 12 to officials selected by the Government.

I would constitute an electorate in each district consisting of all the Municipal Commissioners and Members of the District Board in the district. This would assign 23 seats to the 23 districts. The Senate of the Madras University, the Municipal Corporation of Madras and the Chamber of Commerce will continue to send their representatives as now. I would give the Muhammadan community an electoral representation to two seats in the Council. Having regard to the difficulty of constituting a new electorate based upon any property qualification, I would allow the registered Muhammadan graduates of the University to elect one Muhammadan member and some recognized Mussalman Association, the other. I would allow one seat to a recognized Planters' Association and one to the Eurasian and Anglo-Indian Association. His Excellency the Governor will have at his disposal six seats to be filled up by nomination which will enable him to provide for the due representation of interests or communities which may otherwise remain unrepresented. A Legislative Council so constituted should be given powers of initiating legislation which after it passes this Lower House may be accepted or modified by the Governor and his Council who will form a kind of Upper House, strengthened and popularised by the addition of an Indian member. It will be the duty of the Legislative Council to consider all legislative measures initiated by the Government and placed in charge of any member of the Lower House. Every official member should be free to vote according to his conscience. A measure sent up to Government with practical unanimity will have little chance of being rejected by the Government, while any modification in principle or detail by the Government when finally passing the law will be on the responsibility of four members of the Government, including the Governor and the Indian member which will possess sufficient authority to command the respectful attention of the country.

The power of veto possessed by the Governor of the Presidency desirable in old days when communication was difficult may safely be taken away confining it only to the Viceroy and the Secretary of State for India.

In the event of there being no chance of this radical change in the constitution of the Provincial Councils being accepted, I have thought it necessary to make my observations on the scheme propounded by the Government of Madras. I do not think that the Government is right in supposing that the number of non-officials should be limited to 17 on the ground that it is difficult to secure an equal number of officials. I think it is easy to find 20 official representatives exclusive of the members of the Executive Government to match an equal number with one or two members in excess, of non-officials. The four members of the Board of Revenue, the four Secretaries of Government and the five heads of the Jail, Police, Registration, Education and Medical departments, the Advocate-General, the Sanitary Commissioner, the Collector of Madras, the President of the Madras Municipality, the Collector of Sea Customs, the Administrator-General and the Director of Industries. Coming to the non-official section of the Legislative Council one feels considerable difficulty in reconciling oneself to the scheme suggested. It seems extraordinary that the Government should think of caste representation. No more objectionable plan calculated to promote caste jealousies can well be devised. Christian Missionaries and Hindu social reformers whose efforts have lain in counteracting the exclusiveness and dissolving the prejudices of a social system which has long outlived its usefulness must stand aghast at the countenance which the scheme affords for its perpetuation. If, on the other hand, the scheme is intended to destroy the ascendancy of the Brahmin community under the guise of special representation followed by ineligibility to be returned by the other electorates, it is highly objectionable as a forced plan to minimise the natural influence which culture and intellectual leadership and long hereditary attachments have conferred upon that community. There is no other class or community in the country with the doubtful exception of Muhammadans in the case of Southern

India, that has ever solicited dissociation from other classes and separate representation on the ground of racial or religious differences: and it appears to me that Government will be making a fatal blunder in offering a premium to claims to exclusiveness based on whatever considerations of racial or religious idiosyncracies. I would, therefore, do away with all representation based on distinctions of caste or creed, except perhaps in the case of Muhammadans who may be given a special representative selected by a registered Muhammadan Association named from time to time. I would again strongly deprecate any special representation by a lawyer electorate which could only have recommended itself to the framers of the scheme on the ground of a desire to exclude professional men from the possibility of being returned by any other constituency. I have already explained the serious objections to the handicapping of the legal element in this manner. It seems almost a ludicrous combination to make, to gather all the first and second grade pleaders, the barristers and High Court vakils to nominate a representative, notwithstanding the limiting qualification of the payment of income-tax on Rs. 5,002 per annum. I would therefore remodel the entire scheme as follows.

I would, in the first place, allot ten seats to the members of municipalities and district boards in the Presidency by mixing them together and dividing the country into ten local areas, two or three adjoining districts as a rule returning one member. I approve of the nomination of one member each by the Chamber of Commerce, the Senate of the University, the Municipal Corporation of Madras, the citizens of Madras, and the registered graduates of the University. I would assign two members as proposed in the scheme to landed proprietors, whether their estates are permanently settled or not, paying to the Government, an annual revenue of Rs. 5,000 or upwards, divided into two groups, one in the north and the other in the south of the Presidency. As already stated, a named Muhammadan association will return one member to the Council. His Excellency the Governor will have the power of nominating two or three members to the Council for the representation of special interests or communities which might not otherwise be represented, with liberty to vary the character of the representation according to the needs of the particular occasion. This gives a total of 20 or 21 non-official representatives, the bulk of them elected and a few nominated who can be outvoted by the official majority when the Government so desires. I have not thought it necessary to express my opinion on minor details of the scheme. I should, however, point out that the property qualification is, in my opinion, too high, and is calculated to exclude intelligent classes of the population from the franchise. Especially is this the case with reference to the city electorate and the landed proprietors. An annual income of Rs. 1,000 for the citizen voters and a payment of assessment of Rs. 5,000 per annum in the case of landed proprietors seems to me as high as the circumstances of the country require. I do not think it necessary to raise the qualification of voters in the case of municipalities and local boards.

The suggestions that are now made about the discussion of the budget under separate heads appear to me of no particular consequence. The only real improvement that can be thought of in connection with the budget is the concession of liberty to divide upon it. It does not appear to me to be attended with any risks to sound administration; and until Parliament can see its way to recognize the right of the Indian tax-payer to vote upon the collection and appropriation of the revenues of the country, even though the vote may not be allowed to defeat the Government, all proposals for the fuller discussion of the budget must be weak palliatives which cannot result in any definite advantage.

XIV

Letter—from M.R.Ry. Diwan Bahadur, L. A. Govindaraghava Aiyar Avargal, High Court Vakil, Madras.
To—the Chief Secretary to Government.
Dated—Madras, the 11th February 1908.

In reply to your letter, dated 22nd November 1907, asking for my opinion on the questions raised in the memorandum drawn up by the order of the Governor in Council regarding the "Reform proposals," I have the honour to make the following observations.

2. I shall first offer my remarks on the proposals suggested in the letter of the Government of India and then on the memorandum of the Madras Government sent to me.

3. I thankfully recognise the evident anxiety on the part of the Government of India and the Local Government to give the people of India wider opportunities to express their views on administrative matters and to thus help to some extent to shape the policy of the administration itself. But I regret that the proposals as suggested by the Government of India and by the Local Government will not fulfil or effectuate that object to any considerable extent.

4. I may at once state that my object is not that the scheme that may be ultimately accepted should be such as may weaken the executive authority of the Government. But what appears to me is that the proposals as at present made will hit hard those whose advancement during the last twenty years in education and ability to take part in the administration of their country is acknowledged and their capacity for usefulness will be less availed of as their circle widens.

5. Although at first sight the scheme of an Imperial Advisory Council as suggested by the Government of India appears one of great promise, on closer examination it will be found disappointing. This scheme, I understand, is not to do away with the practice which at present obtains of the heads of Government consulting privately, various individuals whose opinion is worth having on matters of administrative importance. It is said that the merit of the Advisory Council consists in its being an informal body, having no recognised duties to discharge or recognised rights to claim. These features constitute, in my humble opinion, the chief source of their inutility.

6. The proposal to associate the ruling chiefs with the territorial magnates in the Imperial Council is in the first place impracticable and even if practicable, it is not likely to be of much benefit. The chief function of the Advisory Council is, I understand, to give advice on any matter when called upon to do so and to make known to the people the real intentions of the Government whenever the necessity arises for the people to be so informed. For the advice to be of any use, it must be *responsible well-informed* and *independent*. The political relations of the ruling chiefs with the Government do not allow of their freely expressing their views on matters referred to them when those views happen not to be quite in agreement with what they may believe to be the views of the Government ; nor can it be said that the majority of the ruling chiefs in India take such interest in and are so well acquainted with the conditions of the people in British India as to be in a position to give really intelligent and useful advice on matters referred to them. The fact that the Government is not bound to follow the advice or to give any weight to it takes away from the advisors any sense of responsibility without which no advice can be expected to be sound. The fact that the deliberations of these councils are to be conducted in *secres* is another circumstance which will diminish their usefulness. Again, it cannot be denied that many, if not all, the ruling chiefs whose presence in the Advisory Council is worth having will think it inconsistent with their position and status to sit on the same table with others who are not rulers like themselves ; and they will not, therefore, care to enter into any full or free discussion with such others, taking the risk of their views being strongly criticised and sometimes even overruled. If the views put forward by them happen to be inconsistent with the views of the Government their position becomes one of delicacy when they seek to enforce such views in their own States. The large number of ruling chiefs to be appointed according to the Government of India to the Imperial Council must of necessity lead to their being selected from various parts of India. The trouble, inconvenience and expense to which they will be put in having to go to a common meeting place is sure not to be altogether ignored by them especially when they recognise the restrictions placed on them in the expression of their views. In these circumstances I am of opinion that it is impossible to expect the ruling chiefs to play that part as members of the Imperial Council that the Government desires. As for their being in a position to freely make known to the people of British India the intentions of the Government, I do not believe that the Government itself thinks much of this.

7. As to the territorial magnates the case is somewhat different. It is, however, somewhat doubtful whether the territorial magnates have so far fitted themselves to satisfactorily discharge the functions to be assigned to them under the scheme in question.

8. If it be considered that an Imperial Advisory Council should be established I would suggest that their duties and rights should be strictly defined and that their meetings should be held *publicly* except where reasons of State, as for instance, where the relations of Government with a Foreign Power have to be discussed—a matter I am really certain the Imperial Advisory Council is not going to be consulted on—require that the proceedings should be conducted in camera. I would also suggest that the other interests as well should be represented in this Council; and instead of the ruling chiefs, their diwans or chief ministers might be made to sit on the Council. Retired Government officials who filled high and important offices in the State as Judges, Members of the Board of Revenue, Commissioners of Division, etc., and acknowledged leaders of the people commanding the respect and confidence of both the people and the Government and persons fitted to represent the great commercial and industrial interests may well be given seats in the Imperial Advisory Council.

9. I have to offer similar observations with respect to the Provincial Advisory Councils. The members representing the particular interests in the Provincial Advisory Councils may well be enabled to elect suitable men to represent such interests in the Imperial Council.

10. In regard to the Imperial Legislative Council my opinion is invited on the proposals of the Government of India contained in paragraphs 12 to 14 of their letter.

11. I think it may be stated that the elected members of the Imperial and Provincial Legislative Councils after the new Council's Act of 1892 came into force, have on the whole discharged their duties with ability and fidelity to the interests which they have been supposed to represent.

12. There are one or two principles underlying the proposals of the Government of India to which I cannot help taking objection. It is insisted that there should be an official majority as it is said "if two men are not able to wield one sceptre it is idle to conceal that fact in constructing Political Machinery." I do not want that two men should wield one sceptre or that that principle should be forgotten in constructing the political machinery. But what I venture to insist upon is that the maintenance of the official majority either in the imperial or the Provincial Legislative Council is not a necessary corrollary of that principle. Whatever may be the scheme for the appointment of non-official members that has so far been suggested, provision has always been made in it for the nomination of some of them by the Government. The various interests that the elected members are supposed to represent are not necessarily the same, and there is no inherent reason why the non-official members should oppose themselves as a body or even the greater number of them, to the Government on any measures submitted for their consideration. The head of the Government has also always the power of "veto". With these safe guards and the experience that has so far been gathered of the ways and conditions in which non-official members have exercised such powers as they possess as members of the Legislative Council, it appears to me to be unnecessary to insist upon an official majority. The practice has been for the official members to solidly vote with the Government except where they are expressly allowed to vote according to their own judgment. The proposal to have always an official majority as at present obtains, overlooks the very important fact that non-official members always feel themselves helpless in any proposals that they may bring forward for the consideration of the Government and that the situation that the members of the Council finds themselves in, whether official or non-official, is unfavourable to the ensuring and development of that sense of responsibility that ought to inspire them, to give real value of their deliberations in Council and to enable them to duly discharge their functions. There is always a sense of unreality which makes itself felt in the debates of the Legislative Council due to the fact of this official majority.

13. With respect to the number of members of the Imperial Legislative Council, I think 54 or 55 is enough. I would suggest that 27 of them be non-officials and for the reasons mentioned already no ruling chiefs need be a member.

14. As to the selection of these 27, the principles enunciated by the Government of India appear to me to be open to question.

15. It is stated that the lawyer element has been unduly predominant to the exclusion of landholders and others. It is also said that the various classes, castes and creeds have not had due representation. In the proposals made by the Government of India, I fear that the fact rightly insisted upon in paragraph 2 of the Government of India's letter that " the needs and sentiments of the masses of the people must find expression through those whether officials or non-officials who are acquainted with their daily life and are qualified to speak with authority on their behalf, " has been to some extent ignored. It appears to have also been forgotten that the lawyers are not only lawyers but in many instances landowners as well, that they are of the people and move with them and have special opportunities and aptitude to understand their needs and interpret their sentiments and wishes. They are in a position to give expression to their views boldly and with independence and perhaps it is not unfortunate that in a Council whose main function is the making of laws, the lawyer element should be stronger than the rest. The experience of other countries also shows that in such institutions as the one in question the lawyer element is stronger than the rest. I may also mention that during the period in which the New Councils Act has been in force there was no occasion when it was even suggested that any interests had been neglected or had not been properly taken care of in consequence of the lawyers being in the Council in large numbers.

16. The teacher element so far as I am able to see has not had any predominant share. I do not think it has had even its due share.

17. The conditions of the country require that those who represent the various interests in it, are such as are able to represent them and can afford to be independent and fearless in the discharge of their duties. It may be regrettable but it cannot be denied that for the present and perhaps for a good length of time to come it will be the lawyer and teacher elements alone that largely satisfy these indispensable conditions. I should not be understood to say that any conditions should be introduced likely to encourage the introduction of lawyers and teachers at the expense of others into the Council. All that I claim is that the fact that a person is a lawyer or a teacher ought to be no obstacle to his becoming a representative if he be found otherwise properly qualified.

18. The other principle underlying the proposals of the Government of India, namely, that the classes, castes and creeds should have separate representation is, I think, one frought with serious consequences to the well-being and advancement of the country. I am not for ignoring differences where they exist or class interests where they need special protection. But what I am against is that any policy should be adopted whose tendency will be to excite, accentuate and widen differences instead of minimising and gradually extinguishing them.

19. I do recognise that our Muhammadan fellow subjects who form a large portion of the population are anxious to have special representatives of their own ; and out of deference to their views I would not object to special representatives being appointed for them, but the Brahman and other castes inclusive of Indian Christians do not stand in need of any such special privilege.

20. Perhaps the interests of landholders by which I mean the zamindars and holders of estates like them require that they should have a special representative also. Short of this I would deprecate any considerations of class or caste being had in view in the selection of representatives.

21. It is said that territorial representation is unsuited to India. It may be that the country is not yet ripe for the exact type of territorial representation that obtains in western countries, but the representation that so far has been had, has been more territorial than otherwise and as already submitted it has not been attended with undesirable results.

22. On the above lines I would suggest that out of the 27 non-official members 22 be elected and 5 be nominated by His Excellency the Viceroy. The 22 elected members are to consist of 15 members representing the various provinces each of which except Burma is to have two, Burma having one. Of the remaining seven, the Chambers of Commerce of Calcutta and Bombay may elect one each, two leading Associations of Muhammadans may elect two members one each, the various associations in India doing so by rotation, the landholders may elect the other three, the election being by three of the leading landholders' association, the various associations electing by rotation. Except in the case of the representatives of the landholders and the commercial interests I would insist upon *no* property qualification, and the various electorates may well be trusted to return persons of sufficient responsibility and influence. I would suggest that the choice of the candidate should not be restricted to the class or body which is to make the election. The non-official members of the Legislative Council of the various Provinces will elect the representatives of the provinces. As for the Central Provinces until a Legislative Council is formed for them, the District Boards and Municipalities and the leading associations in them may elect the representatives for those provinces.

23. As for the Provincial Legislative Councils the difficulty in the way of having an increase of the non-official members is said to be due to the necessity of having the counter-balancing official increase.

24. So far as Madras is concerned the number may well be 45, of whom 23 will be officials inclusive of His Excellency the Governor and 22 non-officials.

25. The 23 officials will be His Excellency the Governor, the two Members of Council, the Advocate-General, the four Secretaries to Government, the four Members of the Board of Revenue, the Surgeon-General, the Postmaster-General, the Inspector-General of Police, the Inspector-General of Jails, the Sanitary Commissioner, the Director of Public Instruction, the Director of Agriculture or of Industries, the Collector of Madras, the Inspector-General of Registration, one Conservator of Forests and one senior Collector.

26. The non-officials will be 11 for the districts, one for the Madras University, one for the Chamber of Commerce, one for the Corporation of Madras, one for the Muhammadans, two for the landholders, one for the planters and four to be nominated by His Excellency the Governor. The districts may be divided into 11 electoral districts and the election will be by the non-official members of the District Boards and Municipalities and the Madras University and the Chamber of Commerce, and the Corporation of Madras may elect members as at present. The leading Muhammadan landholders and Planters' Associations will each elect their respective representatives.

27. In the scheme as above suggested the official majority is maintained. The representatives of the district will be one-fourth of the total number. The territorial representation will be more effective than it is now, but not unduly large so as to encumber the political machinery or to prove obstructive. There is ample provision for the representation of institutions and classes and castes wherever necessary and the seats at the disposal of His Excellency the Governor are sufficient to secure the representation of minorities and special interests if they are not otherwise suitably represented.

28. I would place no restrictions on the field of choice for the candidates to be elected except perhaps a property qualification of an income of Rs. 5,000 a year in the cases of the landholders and planters.

29. As for the discussion on the budget I approve of the various heads of the budget being separately discussed, but I would suggest that the division of the Council be allowed on the budget except perhaps on certain specified heads. The system inaugurated by the Madras Government this year of having a conference of some of the Members of the Council on the budget before it comes up for debate in the Council is, I think, a most useful one, but for the debate to be really effective, I know of nothing more indispensable as the division of the Council on the budget except perhaps on certain specified heads of it.

XV

Letter— from the Hon'ble Mr. C. K. Srinivasa Rao, Additional Member, Madras Legislative Council.
To—the Chief Secretary to Government.
Dated—Madras, the 13th February 1908.

I have the honour to submit the following observations on the questions raised in the memorandum forwarded to me for my opinion on the 22nd November 1907.

Imperial Advisory Council.—When no demand has been made by the people or the rulers of Native States for the formation of such a body as the Imperial Advisory Council, it is more than doubtful if the latter would take such interest in their working as would ensure the success of the experiment. At the same time, it cannot be gainsaid that some method by which the Ruling Chiefs can be regularly associated with the Government of India in giving them their advice and assistance will prove in the long run a source of strength and benefit to the country and the Government alike. The possible success, therefore, of Imperial and Provincial Advisory Councils will depend on their constitution and the powers with which they might be invested. But the scheme as suggested by the Government of India gives too poor a promise of its subserving the end in view. I agree that it need not receive legislative recognition and may be purely consultative in its character, but in every other respect I have respectfully to differ from the proposals set forth in this connection.

I would suggest in the first place that all the Ruling Chiefs of States, whose gross annual revenue is not less than 10 lakhs of rupees, may form an electorate for nominating one-half their number to the Imperial Advisory Council. I find from a reference to the Imperial Gazetteer that the total number of States whose annual income is not less than 10 lakhs is apparently thirty-two. The Viceroy may nominate additional members to the same, from among other chiefs and territorial magnates, whose number may not exceed one-half the number, returned by the electorate mentioned above. Such a Council consisting thus of 48 members in all will practically owe its existence to the Ruling Chiefs as a class will feel its responsibility to it as the body from which it derives its standing, and will consequently have a fixity of character so essential in an institution from which continuity of thought and policy are to be expected. Further, this will secure the association of the Ruling Chiefs of India *as a class* in the Government of the country, and will bind them, as a class, to those who are responsible for the Imperial administration. The members of the Imperial Advisory Council will not be there if thus composed merely in their individual capacity as they would be, if nominated by the Viceroy, but will possess a representative character being chosen by Indian rulers themselves; and their association with the Government will therefore be the association of the class they represent.

In regard to the powers that may be entrusted to the Council, it will be a regrettable curtailment of its utility to withhold from it the privilege of communicating its views on questions of its own choice (besides those which may be referred to it). If the Council should realise its responsibility, as a power of good, it must be accorded the right to make any representation, it may feel called upon to make in the interests of the public, or in the interests of the Ruling Chiefs or territorial magnates, as a class, without any reference from the Government, provided that not less than three-fourths of the number of members on the Council agree in making such representations. As regards the publication of the proceedings of the Council, it must be left to the decision of the Council itself. This right should be accorded to a body of responsible advisers in the position of rulers of vast territories, whose opinion may not be acted upon, but who are asked to furnish the Government of India with the result of their deliberations. Without these minimum rights as set forth above, the Imperial Advisory Council cannot be expected to act efficiently and willingly "as an agency for the diffusion of correct information upon the acts, intentions and objects of Government". The duration of a Council, thus elected and constituted, may synchronise with the duration of a Viceroyalty.

Provincial Advisory Councils.—The Provincial Advisory Councils stand somewhat on a different footing from Imperial Advisory Councils, both in regard to *status*, and the questions they may be called upon to consider. It will be too mechanical a conception to entertain, that a Provincial Advisory Council is for a Province, what the Imperial Council is for the whole of India. The difference between them is not merely one of territorial extent, but it is a difference in character that distinguishes the one from the other, inasmuch as among the questions with which the Imperial Advisory Council may be called upon to deal, may be those affecting the basic principles of Government and administration, financial, executive or legislative, whereas Provincial Advisory Councils will, for a long time to come, have mainly to deal with the application of these principles to their own provinces. The electorate for Provincial Advisory Councils may therefore consist, chiefly, of all territorial magnates of a certain standing, excluding *Ruling Chiefs*, and they may be called upon to elect a *third* of their number, to constitute the Provincial Advisory Council. In other respects they may be subject to the same provisions as suggested above for the *Imperial Advisory Council.* The reason for excluding Ruling Chiefs from Provincial Advisory Councils is that any Council having for its members the Ruling Chiefs should stand on an imperial footing and should be associated only with those who are entrusted with the supreme government of the country, to be consistent with their own status and with the nature and magnitude of the subjects likely to interest them.

The Imperial Legislative Council.—The proposals made in regard to the enlargement of the Imperial Legislative Council contemplate a radical departure from the principles in vogue inasmuch as they introduce for the first time representation on the basis of religion. The proposals contained in the Government of India's letter calling into existence electoral bodies for Muhammadans as a community seem to be a highly injurious and impolitic innovation. In a country where the disintegrating influences of religion and caste have been too many and have wrought and *are still working* incalculable mischief, it will be a lamentable political blunder to give further fixity to these differences, by making them the basis of political representation as well. The advent of the British in India has been rightly looked upon as a dispensation of providence, in uplifting the country from sectional animosities and religious differences, and I cannot help feeling that the proposal of the Government of India to give recognition to religion as a basis of political representation is one calculated to destroy this faith. Nor are the Muhammadans in the country or even in the same Province so homogeneous as a community as the Government of India's letter seems to imply. For instance, the Moplas of Malabar, the Lubbays of the South, the Pinjaris of the Ceded Districts, the Pathans, the Boras and Kojahs of Bombay and the Muhammadans of Northern India all these are so divided by differences of custom, language, and notions of racial and sectional superiority, that a representative of one of their classes will hardly be looked upon as a representative of the rest. To provide satisfactorily for the efficient representation of the followers of Islam, will mean separate representation for these various classes of Muhammadans, which is of course impossible. I may state in passing that there are about 73 sects of Muhammadans in India, as I was informed by a highly respectable Muhammadan gentleman, who added that Muhammad himself foresaw these differences. Once this principle is admitted in regard to Muhammadans, the same will have to be recognised in the case of Hindus as well, among whom the divisions are innumerable and thus there will be no end to representation on the basis of religion or caste. It is also difficult to see how if representation on a religious basis is provided for, in the case of Legislative Councils, the same can be excluded from Municipal Councils and Local Boards. After all, be it remembered that the interests of Muhammadan and Hindu ryots, Muhammadan or Hindu Zamindars and Muhammadan or Hindu merchants are the same, quite irrespective of the fact that are Hindus or Muhammadans. As ryots, merchants and zamindars, they are all subject to the same laws, rules and regulations, and they would like the ablest of them to represent their interests irrespective of their religion. I am painfully aware that public interests may suffer seriously, by men of mere intellect with narrow sectarian or sectional sympathies, being placed in situations where largeness of vision and

casteless sympathy are needed, but the way to mend this narrowness of ages is certainly not to give it the sanction of political *status* in any form or shape, but to ignore it as much as possible, and encourage breadth of vision and largeness of heart wherever found: and base the political up-building of the country on non-religious principles. What I respectfully maintain is that the Government ought not to give any countenance to representation on the basis of religion.

As regards the constitution of the Imperial Legislative Council, I would submit in the first place that a mere addition to the number of non-official seats without enlarging the powers of the Council will be of little value. As at present constituted, it is merely a Council the non-official members of which are allowed to interpellate the Government and make general observations on the budget. The powers now vested in the non-official members fall far short of the powers of a legislature entrusted with at least partial control over the executive. The perpetual minority of the non-official members in the Council, and the absence of all provisions enabling it to exercise control over the executive have been too serious defects in its present constitution. Even if the non-official members are to be kept in a minority for the time being, there is no need to keep the Council on the footing of a mere law committee. What I would suggest is that the non-official members be given the right of moving resolutions in regard to such matters as may concern the internal administration of the country in open Council. The official members may have the right of speaking on these resolutions, but the right of voting on them should be confined to the non-official members alone, so that the attitude of the non-official members as a body in regard to these resolutions may be ascertained. To give the power of voting to the officials also would render the right practically inoperative since they always command a majority. These resolutions will not be binding on the Government but will enable them to have at first hand an expression of responsible, representative, non-official opinion, formulated in the presence of members of Government and with the benefit of their views thereon. Another right that may be extended to non-official members is that of moving amendments in regard to the provisions of the budget. Since the Government always commands a majority, there need be no objection to this change.

Without materially enlarging the powers of the non-official members, to add merely to their numerical strength will be little benefit; but in case the Government would extend to non-official members the powers as suggested above, the importance now attached to an increase of mere numerical strength of the non-official members in the Council may be given up. I consider that even a smaller number of representatives in the Council with substantially more powers than they possess at present will alone meet the requirements of the present situation.

I would therefore have the number of non-official seats as 18 and the official seats 24, and would allot the former as follows:—

Non-official Members.

To be elected—

(1) By the non-official members of the Provincial Councils of Madras Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7
(2) By the Planters' Associations all over India	1
(3) By all the Chambers of Commerce in India	1
(4) By the Zamindars	2
(5) By the Central Provinces	1
	12

To be nominated—

(6) By the Viceroy	6
Three of whom shall be Muhammadans, one representative of the Indian Mill Industry and the other two for representing other special interests as may be deemed fit.	
Total ..	18

The official members will be nine ex-officio including the Viceroy, and fifteen additional officials to be nominated by the Government. Besides these, provision may be made for the nomination of a Ruling Chief and if necessary for the nomination of experts who will hold their seats so long as it might be necessary for the purposes for which they are nominated. The normal strength of the council will thus be forty-two and may not exceed in any case forty-five, of whom eighteen will be non-official and twenty-seven official; twelve elected and thirty-three nominated.

Provincial Legislative Councils.—I regret to have to express my dissent from some of the features of the scheme as formulated in the referendum for the election of non-official members to the local Legislative Council. Not to express my dissent would be to ignore the best interests of the people and the Government alike. I feel compelled to make these remarks regarding the proposal for representation by class or caste in the Local Legislative Council. The arguments I have urged above against representation on the basis of religion regarding the Government of India's proposal apply with infinitely more force to the separate representation of Brahmans, Christians and all other persons *as such*, and I would only add that this part of the scheme should be wholly abandoned. The conflict is between what is, and what ought to be. The Government is doubtless anxious to secure the fullest possible representation of all the various interests of the country, and think that in a province where caste divisions and religious difference play their part actively, a scheme of representation that does not provide for various class interests is likely to be inadequate and unsatisfactory: but it must be remembered that the Government should do nothing calculated in its result to arrest the progressive forces that have been called into existence by the British Government, and that constitute the greatest justification for the ascendancy of Great Britain over India. We have to look not simply to what the country is, but also to what it ought to be in the future, and nothing can be more disastrous to all the good work till now done in the direction of wiping out our class and sectional differences than to impart to them permanence by making them the basis for political representation. I for one would rather have no political privileges at all than have them on the basis of these distinctions and differences which will have the practical effect of bidding them stay with us for ever as if they were right, true or just. Nothing can be more incongruous than that a Christian or casteless Government should have their political machinery on the basis of caste or class. This will be undoing the good work till now done by the Government, by English education, by social reform, by Christian missions in the country—in fact by the whole trend of the spirit of the times in the direction of minimising the pernicious influence of caste and class distinctions.

Turning to the constructive aspect of the question, I would strongly urge the need for a continuity of policy in regard to the selection of non-official members to the council (with the necessary modifications) and I would earnestly press for more powers to the non-official members on the lines I have advocated in regard to the non-official members of the Imperial Legislative Council. They must have the power of dividing the council over the budget, and of moving resolutions in regard to questions pertaining to the administration of the Presidency as suggested above. The policy of recognising institutions as electoral units like Municipalities, District Boards or Chamber of Commerce should be adhered to for a long time to come in preference to that of instituting direct popular representation or, as is now suggested, separate class representation. I have arrived at this conclusion after the most careful consideration. The modification in the existing system is called for only in regard to the division of the Presidency into electoral groups, and in regard to the choice of the institution situated within these groups which should enjoy the privilege of representation. In regard to the former, the present division into groups is exceedingly unwieldy and unsatisfactory, and brings districts which stand sharply divided from one another into one group for which there is no reason except the fact that there is not an adequate number of seats thrown open for the representation of popular interests. This is a point which needs no elaboration, and I trust the Government would find no difficulty in concurring with this view.

As regards the institutions which should possess the privilege of representation, it will be admitted on all hands that the Corporation of Madras, the Senate of Madras University and the Chamber of Commerce should continue to possess it, and to these may be added the Planters' Associations in the Presidency, and any association that may be formed for the interests of permanently-settled estate holders as a body. The other institutions that at present enjoy the privilege are mufassal Municipalities and District Boards. In the absence of direct popular representation, the institutions possessing the privilege must be in as close touch with the people as may be found practicable. For all institutional representation, the Taluk Boards will be the body nearest the people excepting village unions. The time has not yet come for considering the utility of village unions in this connection. As between direct popular representation and representation by institution, the latter seems to be more suited to the present state of the country than the former. The question, therefore, is, what is the form of representation by institutions which will have the nearest approach to direct popular representation? In this view the District Boards as at present constituted are too far from the people *as such*, and village unions are yet in far too infantile a state to serve any practical or useful purpose. As a safe practical course, I would strongly urge that Taluk Boards and Municipal Councils should have the privilege of representation and District Boards may be relieved of it altogether. For planting a system of popular representation, at least so far as this Presidency is concerned, no better soil can be thought of than Municipal Councils and Taluk Boards. This means, of course, that the constitution of the latter should be changed and that the elective principle should be largely infused into it. All persons in the taluk paying a certain kist should have the power of directly electing the majority of members of the Taluk Board, *if not all of them*, and they must be given the power of electing their own President subject to the same provisions as apply to Municipal Councils. Taluk Boards and Municipal Councils must be assimilated to each other in their privileges and constitution, the only difference between them being that the former should have control over rural and the latter over urban interests. In passing, I may add that the majority of members of the District Boards must be elected by Taluk Boards. If these views are accepted, Municipal Councils and Taluk Boards will be the institutions in each group vested with the privilege of representation. Since the object of such a scheme will be *territorial* representation, the groups must be formed in view to common territorial characteristics as far as possible and I would recommend the following divisions :—

(1) South Canara and Malabar.

(2) Coimbatore, Nilgiris and Salem.

(3) Chingleput, North Arcot and Nellore.

(4) Cuddapah, Kurnool, Anantapur and Bellary.

(5) Kistna, Guntúr and Gódávari.

(6) Ganjám and Vizagapatam.

(7) South Arcot, Tanjore and Trichinopoly.

(8) Madura and Tinnevelly.

There will be, according to this group, sixteen members—eight elected by the Municipal Councils and eight by the Taluk Boards in each group. Since especially in a Provincial Council territorial representation must be full and adequate, the allotment of sixteen seats to represent the administrative needs and requirements of the people inhabiting the same can by no means be considered too liberal a distribution. When the variety of interests involved and the well-marked differences between groups of districts and the extent of the area and the vastness of the population are considered, sixteen seats cannot be too many and the division of the districts into eight groups cannot be considered extravagant. I would lay particular emphasis on the need to inaugurate effective territorial representation

on the above lines. Under the scheme, the non-official members of Madras Legislative Council will consist of those who are elected by—

(1) Madras Municipal Corporation	1
(2) Madras Senate	1
(3) Chamber of Commerce	1
(4) Planters' Association	1
(5) Permanently-settled estate holders	1
(6) Mufassal Municipalities	8
(7) Taluk Boards	8
(8) Nominated by Government (of whom not less than one will be a Muhammadan and the other two representatives of special interests as occasion may demand)	3
Total	24

Perhaps the objection may be raised that, as against twenty-four non-officials, provision cannot be made for an official majority. But this difficulty can be got over by the following nominations to the official seats which gives a total of thirty and a majority of six over the non-officials :—

(1) President and Members of Council	3
(2) Members of the Board of Revenue	4
(3) Chief Secretary to Government	1
(4) Revenue Secretary	1
(5) British Resident, Travancore and Cochin	1
(6) Secretary to Government, Public Works Department	1
(7) Conservator of Forests	1
(8) Joint Secretary to Government, Public Works Department (Irrigation Branch)	1
(9) Inspector-General of Police	1
(10) Director of Public Instruction	1
(11) Surgeon-General with the Government of Madras	1
(12) Inspector-General of Registration	1
(13) Inspector-General of Prisons	1
(14) Advocate-General	1
(15) Sanitary Commissioner	1
(16) Administrator-General	1
(17) President, Municipal Corporation of Madras	1
(18) Eight Collectors representing the eight groups	8
Total	30

The proposed period of five years as a tenure of the term of a non-official member is too long, just as two years at present is too short. It will be safer to restrict the period at present to four years.

I would omit the disqualifying condition laid down in clause B under the main clause C (4) regarding the power to remove the non-official members who may be absent from the Presidency for a period of six months.

XVI

Letter—from M.R.Ry. C. Vijiaraghavachariyar Avargal, Ex-Member, Legislative Council.
To—the Chief Secretary to Government.
Dated—Salem, the 15th February 1908.

In compliance with your letter, dated the 22nd November 1907, forwarding to me a copy of the letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of His Excellency the Governor in Council and asking me to submit my opinion on the questions raised therein, I have the honour to enclose a statement of my views. I regret there has been delay in submitting my opinion, but I am now in a position to offer my views with less diffidence than I should have done two months ago as, during this time, I was able to gauge the views of the public generally and to consult and ascertain the opinions of several competent persons.

Memorandum on the Reform Proposals of Government, 1907.

1. It is hardly necessary for me to say that the reforms which Government has in contemplation are of the most vital importance to the people of India. It is matter for thankfulness that the proposals outlined by Government have been authoritatively pronounced to be provisional and tentative merely. Great freedom is thus allowed to the public and to the individuals, whom Government has done the honour of inviting to express their opinions, both in the way of examining those proposals and of modifying them and submitting fresh suggestions.

2. The aims and objects of Government in initiating these reforms are easily gathered from the letter of Government of India. They are in view "of satisfying the constitutional requirements of the Indian Empire" and "to move gradually *forward* towards the fulfilment, *in no grudging spirit*, of a pledge which the people of India are entitled to regard as inviolable". The italics are mine. Thus the intentions of Government are set out in words worthy of the occasion and it is not easy to improve the language employed.

3. The one question is, whether the proposals contemplated by the Government are in any way adequate for the noble purposes it has so unequivocally expressed. These proposals are two-fold in character—being the establishment of Advisory Councils for occasional and informal consultation by the Imperial and Provincial Governments and the enlargement of the existing Legislative Councils.

4. The lines on which the Imperial Advisory Council is to be constituted are set out in paragraph 5 of the letter of Government of India. The Government of India says that "possibly" the objects it has in view might be attained by such a Council.

5. It is not clear that the necessity for such an Advisory Council has been made out. At the same time I see no harm in the establishment of Advisory Councils, Imperial and Provincial, as a step towards the formation of permanent second and Upper Chambers of Legislature both for the whole country and for the Provinces, provided, however small the beginning might be, these institutions are started on lines that are capable of healthy development both as to their structure and functions.

6. I think it most undesirable that the Ruling Princes should be invited to become members of the Imperial Advisory Council. The relations of the Sovereign Princes of India with the British Government are regulated and determined by treaties and though they are in a sense subordinate to His Majesty the King-Emperor of the British Indian Empire, yet they are independent Sovereigns. To ask them to become members of an assembly for consultation by the Viceroy and that in matters quite unconnected with the administration of their own States would degrade them in the eyes of their own subjects as well as the whole world. Natives of India, whether subjects of these Sovereign Princes or not, regard them with feelings of awe, respect and affection which would receive a rude shock if the proposal in contemplation is carried out. On the other hand, these Sovereign Princes are not the most competent to represent the wants and grievances of the people of British India. It is wholly unnecessary to allude to exceptions. Naturally proud of their origin and position, what they do know of their own subjects is, in the main, derived from their Diwans and other officials. While of the people of British India they cannot be said to have even this knowledge. Indeed, the direct and personal knowledge of the vast majority of them even of their own subjects is, naturally enough, much less extensive and precise than the personal knowledge which Viceroys and Governors possess of the British subjects of India. There is also the fact that the expense and the inconvenience of bringing these Sovereigns to the seat of the Government of India for consultation, whether it be Calcutta or Simla, would be enormous. Their own treasuries could ill-afford to bear the frequent expenses that would have to be incurred while it would be obviously unfair too. On the other hand, it would be equally unfair to the British Indian tax-payer if Government is to bear the expense. I venture to state that this part of the measure in contemplation would meet with universal disapproval both among the people of the States concerned and in British India.

7. I regard then that the Imperial Advisory Council should be the germ of the future second and Upper Chamber of the Indian Legislature. This Council should receive a statutory recognition, its members must be recruited one half by nomination by the Viceroy and the other half by election either directly by the people under rules and regulations framed for the purpose or by the elected members of the Legislative Councils. Qualifications for membership of such Council may be fixed by rules and these qualifications might include an age limit, say 45, below which no one should be competent to enter the Council. Members of this Council whether nominated or elected might be recruited from distinguished ex-Diwans of Native States, enlightened zamindars and merchants, Government pensioners who have distinguished themselves in the service of Government in the Judicial, Executive and Educational departments and distinguished lawyers and Members of Legislative Councils of a certain standing.

8. The Advisory Council should have the power of initiation, of voting and moving resolutions and the proceedings should be public. This need not interfere with Government occasionally consulting them informally and secretly as to measures which the Government might consider as unsuitable for publication or for immediate publication. Such matters must be extremely few and far between. And when secrecy is no longer required in the interest of the State, the advice tendered by the members might with advantage be published.

9. To create an Advisory Council purely for informal purposes and for secret consultation merely would be attended with great disadvantages to all concerned. The Legislative Council and the Advisory Council should be both competent, representative and responsible in view to voice the people of the country and also they should be a check upon each other and correct the mistakes of each other. So that the Government might the more readily act and adopt the measures when the two Councils concur while where they do differ the powers of veto by the Government and the Crown might be the more easily and the more popularly employed. The existence of two such Councils would do away with any necessity there might be for an official majority in the Legislative Councils and for "the mandate theory" as to official votes as to both of which I shall have to say a few words later on. It is obviously necessary that one should not be a member of the Advisory and Legislative Councils at the same time. What I have said above as to the constitution and functions of the Imperial Advisory Council would apply to the constitution of Provincial Advisory Councils.

10. I am aware of the disadvantages that would attend the creation of two Chambers of Legislature in India in its present circumstances. One obvious disadvantage would be that the best men available for service of the Government and the country in the Legislative Councils would be drawn away to the more fascinating functions of the upper chamber. There might also be occasionally conflicts and jealousies between the two, especially if there is much difference in the personal composition of the two assemblies. If the Advisory Council is recruited so as to make the members the real representatives of the people and the whole people of the country and if their conduct is subjected to public opinion, the advantages of erecting a second chamber would be far greater than the disadvantages, especially if two such chambers both more or less co-ordinate would make the Government do away either immediately or in the near future with official majorities without independence to vote according to their judgments and conscience. I must beg leave to state that the creation of Advisory Councils on lines sketched out by Government would be a costly and pompous bugbear and would by no means tend to make Government measures more understood and more popular.

11. Next as to the Legislative Councils, I should like to make a few general remarks both as to the Imperial and Provincial Legislative Councils. In paragraph 10 of its letter the Government of India finds its way to make the following pronouncement in regard to maintaining an official majority in the Indian Legislatures. It says "the principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question and if two men are not able to wield one sceptre, it is idle to dissemble that fact in constructing political machinery." This statement is a most startling one. As a loyal subject of the British Raj loyal in every sense of the word, loyal in the sense that the connection between England and India should be everlasting and should be for the political, industrial and social elevation of India to as high a degree as the glorious constitution of England would allow it and for the benefit and glory of both, I venture to raise my humble but emphatic protest against this extraordinary statement. It is worthy of remark that the Government makes the statement as if it were a political axiom and it does not find its way to state its evidence or authority in support of this novel statement. On the other hand, that which would make for the strengthening and popularising more and more the paramount power in India is a complete trust by the British Raj in the people and their representatives, at least to the extent, begin with, to which Emperor Akbar trusted them. A sympathetic Famine Commissioner of Madras wrote some time ago that the "people are the Government and the Government is the people." If doubts are entertained as to the exact soundness of this statement regard being had to the state of things as it is, yet every British statesman and every loyal Indian subject of His Imperial Majesty the King Emperor should make it their sacred duty to say or do nothing which does not make for that end.

12. It is needless to state that the insistence of an official majority involves the "mandate theory" as to official votes, viz., that every official member of the Council, whatever his judgment or conscientious scruples, is bound, by virtue of his position as an official, to vote with the Executive Government. This is almost unfortunate doctrine, especially in the special circumstances of India where the system of party Government does not prevail and the non-officials are ever bound to be in opposition. It must be remembered that the expansion of the Executive Council for making laws and regulations was first started by the Charter Act of 1853. Under that Act, the additional members were also officials. The doctrine that officials were bound to vote according to the wishes of the Executive Government was unknown in those days. Under the Indian Councils Act, 1861, non-officials were first appointed as additional members. For the next 22 years either, the doctrine that official members were bound to vote according to the wishes of the Executive Government was not heard of. It was only about a quarter of a century ago, this doctrine was started but with objects very different from those which now obtain. It is well known that it is now considered that it would constitute misconduct on the part of an official member to vote against a Government measure or to take, or at least to express, a different view from the Government on any matter that might be discussed in the Council. In these circumstances, whatever be the strength of the non-officials and whether they are nominated or elected, they occupy a very inferior position, inferior to the position of pleaders in a court of justice.

The consciousness of the inferiority and consequent helplessness deters, on the one hand, able and public spirited men from entering the Indian Legislative Councils and on the other fails to serve as a motive on the part of non-official members for enthusiastic industry and research, for there is no chance of a non-official member or all of them put together winning a majority of votes by merely convincing the majority unless the Government expressly says in the Council and this it very seldom does say that it is prepared to accept the non-official view in the particular instance or at least to say expressly that the Government as Government is not interested in the particular motion. This aspect of the functions of the Legislative Councils has in all but name made the non-official additional members a useless appendage of the Council and the expanded Legislative Councils of India are now and would be, so long as an official majority with the mandate theory is kept up, in the same position as the Executive Government was before the Charter Act of 1853 when it made laws for the country.

13. This is not a state of things of which British statesmanship can be proud or as to which the people of this country could feel thankful. I respectfully submit the time has come for reviewing the whole position. It is hardly conceivable why an official majority in the Indian Legislatures is needed at all. Without an official majority, the Government has ample statutory powers to enforce its own views in the matter of legislation. In the first place, no member can introduce any measure affecting the revenues and the public debts of India or the religious rights of the people or the relations of the Government with the foreign Princes and States or concerning the army and the navy except with the previous sanction of the Governor-General. In the next place, no law has validity until the assent of the Governor-General or where the law has been passed by a subordinate legislature, until the assent of the Governor or Lieutenant-Governor as the case may be and the Governor-General as well has been obtained; and the Crown has the power of disallowing any law passed by any Indian Legislature. Besides, the Governor-General has the power of reserving for the signification of the pleasure of His Majesty any law passed and unless and until His Majesty shall have signified his assent, no such law or regulation shall have validity. These powers of Government are ample and it is impossible to conceive that a non-official majority would persistently and perversely act so as to provoke the exercise of these powers on the part of the Government frequently. They are thus of immense educative value. On the other hand, it must not be forgotten that increased powers necessarily bring with them a sense of increased responsibility. No educated man and no patriot of India would be long party to an attitude hostile for the sake of hostility and because the Government has no official majority. Such an attitude on the part of the non-official members would not make for attaining a higher representative position in the Legislative Councils of India and for obtaining larger and larger share in the administration of the country. In the case of a subordinate Indian Legislature, the excuse for maintaining a large official majority is far less, for the powers of a member of such a Council are hedged round with far greater restrictions.

14. The position in a few words is this. The experiment of an official minority and a non-official majority in a Legislative Council has nowhere been tried in India and therefore all fears entertained as to the risk of such a majority are purely speculative. On the other hand, the position of the non-official member in the Indian Legislative Councils, whether his powers and privileges continue as at present or are greatly increased, is and would continue practically feeble and useless so long as an official majority is maintained. Such a state of things is obviously undesirable and would defeat the objects the Government has in view, viz., to receive real assistance from the trusted representatives of the people that would make at once for the efficiency of Government and popularity of its views and measures and the only remedy that suggests itself to me is to do away with the official majorities, under additional safeguards, statutory and otherwise, if the Government thinks it necessary. Till then, I venture to submit that the Indian Legislative Councils would not possess charms enough to invite the service of the very best talents of the country. Till then popular representation in these Councils would only be nominal.

15. A very important question is what is the method of recruitment of the non-official members of the Legislative Councils. The Indian Government and the Government of Madras seem to think that representation should not be territorial but should be in the main by caste, creeds and classes. I would beg leave to state that the view is wholly erroneous. Representation on the lines suggested by the two Governments would be productive of the greatest mischief both to the Government and the people of the country and it would be wholly inconsistent with the political and industrial advancement of the country. It is impossible to conceive what caste, creed, or race has to do with the political and material progress of the country and with measures, legislative and otherwise, making for such progress. It may be that occasionally the Legislature may have to discuss and pass a measure specially affecting the religious rights and usages of a section only of His Majesty's subjects. But in such cases no measure would ever be introduced into a Council unless it had been previously discussed threadbare and given the required shape by the people specially concerned. If additional assistance be needed for rare and special legislation one or two experts might be either made members of Council or under appropriate rules be made to address and otherwise assist meetings of Select Committees and of Councils, but nothing would weaken the hands of Government and injure alike the interests of Government and people, more than a system of representation in the Councils of India based

by statute and rules upon castes, creeds and races. This is not the place to enter into a discussion as to the so-called races of India. It is certainly inaccurate to call the Muhammadans or Native Christians a different race from the Hindus. The foreign elements in the race of India are infinitesimal and few and have long ago blended with it. The Hindus, the very vast majority of Muhammadans, the Native Christians, the Jains, and the Sikhs and others are substantially all of one race. The idea of introducing representatives of the so-called races because of creeds and castes in the Legislative Councils is fraught with danger to the Raj and the people alike. These representatives in the Councils would hardly be knit together in harmony for purposes of serving the country or assisting the Government. There would be seen, too, in these Councils the very melancholy spectacle of several independent units, among the non-officials, or, several scattered groups of units, each animated with its own separate motives and acting with mutual jealousies and distrust. Often, too, would be seen two or more units or groups intriguing together to the prejudice of a third. Comment on such a state of things is hardly called for. I think it was Lord Dufferin as Viceroy of India who said in one of his speeches (which I am unable to reach) that he should like to see all classes and creeds of India united and, in harmony combined, criticising the actions of the Government rather than that there should be jealousies and disgraceful quarrels among themselves. Such an assemblage of non-officials is not a representative assembly long looked for by the people of India and whose hopes and expectations had been fed and raised by statesmen in England and India. When the Right Honourable Mr. Wilson, in his speech on Indian Finances on the 18th February 1860, said "Sir, it is true we have no representative assembly to satisfy and it would be only idle to speculate upon the time when India might have such institutions," he certainly was not thinking of such representative institutions as the Governments of India and Madras now propose to erect. He was thinking and was promising to the people of India in so far as it lay in him to promise, such representative assemblies as exist in the civilised countries of the world and of which political philosophers and statesmen have been singing the praises. It is to be hoped that the very idea and the whole idea would be abandoned by Government. It must not be forgotten that very few countries contain all the elements which concur in making their inhabitants a perfect nation. Italy which makes the nearest approach to one nation in every sense of the word is not of one race. While of England a witty French traveller exclaimed "Behold a land with forty religions but with only one sauce." On the other hand, the conditions which have been dividing the people of India are fast dwindling in number and in significance. Adventious importance attached to such conditions does lasting injury to the people of India. I beg and pray Government not to be tempted into countenancing any such attempts, however indirectly.

16. The letter of Government of India discloses a partiality for territorial magnates as the true representatives of the country. Within this category would come hardly any but the zamindars. The zamindars throughout the country are generally either the descendants of ancient Sovereign Princes or of those who held the high office, under former Governments, of Collectors and farmers of the land revenue in large areas, with a few added as middlemen at the time of the Permanent Settlement by the British Government. That there are men of enlightenment and wealth among them cannot be denied but I emphatically deny that they are leaders and representatives of the people of India. The persistent fight and agitation which they have throughout kept up in every part of India against any and every measure introduced by the Government for the amelioration of the wretched agricultural condition of the ancient peasant proprietors in their zamindaris, is proof sufficient that they cannot be accepted, in fairness to the vast mass of their ryots, as their representatives. Naturally enough, they are the representatives of none but themselves. The long and chequered history of the Madras Estates Land Bill passed into law, after all, last week, would support my statement. By the persistent agitation of the Madras zamindars both in India and in London several vital portions of this measure beneficial to the ryot had to be abandoned by Government. The Hon'ble Mr. Forbes, C.S.I., who was in charge of the Bill and to whom the zamindari ryots and the province at large are beholden for his strenuous efforts to carry this measure successfully through, stated only last week "Not only here but in every province of India, in which similar legislation has been introduced, the zamindars have made the same lamentation that their rights, their privileges and their prestige would suffer; that the legislation would introduce distrust and foster litigation. The Honourable Members have only to turn to the debates of the Bengal Act of 1885 and on the successive amending Acts, and to the debates on the North-West Provinces Act to verify my statement". If the zamindars cannot be trusted as custodians of the rights of their own ryots, much less can they be trustees and guardians of the vast agricultural population outside their zamindaris whose agricultural position and status they would have a natural tendency and interest in bringing down to the level of their own ryots. I distinctly guard myself against any implied statement that they do so maliciously or perversely. There are several honourable and enlightened men among them but owing to lapse of time they have forgotten their high origin and ancient illustrious history and are now competing for landed rights with their own ancient peasant proprietors whom they have gradually reduced to the position of mere tenants in spite of the vigilance of the Governments and Government officers.

17. If then we exclude all claims based on distinctions of caste, creeds, races or classes and of the territorial magnates as such from all special consideration in connection with the reforms in contemplation, the question is what is the best method of recruitment for the enlarged Councils?

My answer is territorial representation and a suffrage on educational qualifications and moderate property qualifications. No other scheme would meet with general satisfaction or satisfy the requirements of Government. I am aware that in a system of territorial representation there is the fear that minorities would not be represented. In the first place, I respectfully protest against the view that any section of the people of India should be called a minority merely because their religious and social customs are somewhat different from the vast bulk of the Hindus. As a matter of fact, they all belong substantially to the same race and their ideas and customs are substantially the same. The famous Tippoo Sultan of Mysore, a most bigoted Mussulman, was consulting Brahman astrologers when the English and their allies had surrounded his fort. The Mussulman founder of the Brahmani Kingdom honoured his Brahman friend who had by examining his horoscope foretold his future greatness by making him his Diwan and naming the kingdom after him. Native Christians marry during auspicious hours fixed by Brahmans and very many of them continue to wear the sacred thread and very many of the women wear the sacred tali, the emblem of Hindu wifehood; while the great Hindu doctrine of Karma pervades Buddhism and all other religious systems of India and Burma. Native Christians and even Muhammadans more or less believe in it. It is well known that the Hindu Law of property prevails among several non-Hindu sections of people including Muhammadans. In one word throughout the length and breadth of India, Hindu ideas and customs predominate and if there be any differences to be taken into consideration at all and the people marked off accordingly into different sections, Hindus themselves would cease to be one people. It is not suggested that the Hindus admitted into the Legislative Councils have acted otherwise than as the most impartial custodians of the rights of all in India.

On the other hand, the fear that minorities would be without their own representatives is a groundless one. Indeed able and enlightened men among the miscalled minorities in India have, other things equal, greater chances of receiving national confidence and national distinction than such men among the Hindus. A reference to the list of Presidents of the Indian National Congress shows that among the nineteen persons who presided over its deliberations there were seven Hindus, four Englishmen, three Parsis, two Muhammadans and three Brahmos. Two Mussulman gentlemen have been elected as members of the Viceroy's Legislative Council by Bombay and Madras. Madras elected another illustrious Mussulman gentleman to the same high office which honour he declined owing to ill-health. I would call the attention of Government to a widespread and growing desire among the Hindus devoted to the public cause, to do every thing in their power in view to get the harmonious co-operation of the minorities in all matters affecting the well-being of the country. The Hindus are thus entitled to ask Government to trust them with the franchise and to watch its exercise and the working of the system for some years. In the meanwhile the Imperial and Provincial Governments might reserve a few seats to be filled up by nomination if and whenever necessary.

18. I would therefore suggest, whether or not the Government continues to maintain an official majority, that almost all the non-official seats may be filled up by election. It is but fair, especially if the Government intends to continue the official majority, that the election should be entirely free of all official influence, directly or indirectly, to however slight a degree. I am not therefore for continuing the privilege of election to Local Boards, Corporations of the City and the Universities whose members are but partially elected by the people themselves. They are all more or less semi-official bodies. Neither am I for Chambers of Commerce being allowed to return a member each. It is true that these last are purely non-official bodies but they do not represent the vast trading interests of the country. Occasionally, too, their interests are commercially opposed to the interests of both India and England alike as is evident from their attitude to the proposed value-payable system direct from England to India. If the trading interests have to be guarded by special representation, the necessity as to which I beg to deny, then all traders who have a stake in the country's trade and who pay a certain amount of tax ought to be given a vote each and these voters may be grouped by territorial areas either corresponding to the revenue districts or specially marked for the purpose.

19. Then the only feasible scheme that remains is representation by territorial areas as it obtains in all the advanced countries. The cry everywhere is for universal manhood suffrage. It would be absolutely unfair to the millions of the tax-payers of India that a high property qualification, determined by the amount of tax paid, should be demanded of voters, while I do not suggest that every adult male in the country should be enfranchised. I do claim that the property qualification should be sufficiently low, having due regard to the admitted poverty of the country.

I notice the expression "stable elements" in more than one place in the letter of the Government of India. I do not know if more is expressed than what is meant by the phrase. Be it as it may, I venture to submit that a low suffrage rather than a high one is calculated best to achieve the object implied by the phrase. Lecky on Democracy and Liberty, says, "It has been the opinion of some of the ablest and most successful politicians of our time, that by adopting a very low suffrage, it would be possible to penetrate below the region where crotchets and experiments crude Utopias and habitual restlessness prevail and to reach the strong settled habits, the enduring tendencies, the *deep conservative* instincts of the nation. Such an idea was evidently present in the minds both of Louis Napoleon and of Lord Beaconsifield and it probably largely influenced the great statesman who based the German Constitution on universal

suffrage." Apart from the stake and interest of every tax-payer. the franchise if it is fairly widespread would serve as a powerful instrument of national education. The various and often conflicting influences to which the voters as well as their relatives and friends would be subjected by the canvassers of votes would make them more and more reflective and would increase their self-respect and elevate them socially. In reforming the Legislative Councils, the Government might seize the opportunity to confer this indirect but great blessing on the people of the country by creating territorial electorates, and by fixing a moderately low qualification for the franchise.

20. It is often asserted that representative institutions are foreign to India. It may be conceded that in the highly developed form reached in England, America or Switzerland, it did not exist in India and in this sense and in this sense only the assertion is true. If it is true, in a larger sense, then there is an implied inconsistency in devising a scheme of representation in which people who have received a western education and who have absorbed western ideas and modes of thinking should be the persons who would most be excluded as voters and members as well from the proposed Advisory Councils and the reformed Legislative Councils as they certainly would be if the reform is carried out on the lines outlined by Government. It seems to me that it is obviously unjust and unstatesmanlike to try to exclude or minimise the influence and active participation of the "Lawyers or the School-masters" by laws and rules.

21. My humble suggestion, therefore, is that every person above a particular age, say 25, who pays a tax or taxes to Government or Local Boards or both, in all amounting to Rs. 50 and who is able to read and write, should be entitled to vote and also all persons who have passed any university examination and all retired Government officers who received a pension of not less than Rs. 35 a month should be allowed a vote. There ought of course to be a list of disqualifications. Persons who have been declared insolvents or who have been convicted of degrading offences under the Indian Penal Code and persons more or less insane should be excluded from voting or becoming members of councils. I should perhaps suggest an age limit below which no one ought to be allowed to become a member of the Legislative Council, say 35, and I should also insist on candidates possessing a fair knowledge of English so as to be able to speak it and write it with ordinary fluency and fair accuracy. I would not subject them to any disqualifications based on caste, creed, class or occupation. If Government thinks fit, a territorial residential qualification within the electorate for a definite time may be demanded.

22. The reforms contemplated by Government do not in words include an addition to the functions of the Legislative Councils. A mere increase in the size of the institutions without an increase in their functions is hardly a great reform or calculated to satisfy popular aspiration and expectations not to speak of the requirements of Government. It is believed in many well-informed circles that it is in contemplation of Government to add to the functions as well of the Legislative Councils. This addition may be made in two ways. When questions are asked, the questioning member may be allowed to make a statement in support of his question. Answers may be accompanied by explanatory statement and members might be given the power to put supplemental and consequentital questions on the spot without previous notice. The next direction is members may be made competent to move resolutions on any subject unconnected with a measure of legislation pending or in contemplation. These powers are incapable of being abused while explanatory statements accompanying questions and answers would not only tend to greater mutual understanding and harmony between the Executive Government and the members but would also take away the effect of short questions and answers under strict rules from being misunderstood by the public generally and the information obtained from the Government or the refusal to afford any would be better understood and appreciated. The annual debate on the budget is now admittedly academical merely while power to move resolutions and divide the Council on particular items of the budget and on the principles underlying them would be most healthy and would infuse correct and widespread information among the people of the country.

23. In making this appeal for grant of increased functions to Indian Legislative Councils, it is worth while stating that such powers, if granted, would not be altogether new. Under the Charter Act of 1853 (16 and 17 Vic., C. 95) and under the rules and standing orders made thereunder, the members of the Legislative Council of India exercised such powers for eight years until they lost them under the Indian Councils Act of 1861. I beg permission to quote a few instances when such powers were exercised. At the meeting of the Council held on the 16th April 1859, Sir Charles Jackson put the following question: "Whether the Government have taken any and what steps for the erection of a jail in a suitable climate for the reception of European or American convicts sentenced to terms of penal servitude under Act XXIV of 1855"? In support of the question, he made a long statement giving his reasons for his inquiry; and the answer was also accompanied by a statement at some length.

On September 6, 1859, the Vice-President (Sir Barnes Peacock) called the attention of the Council to certain observations made by the Madras Supreme Court in the matter of an application by one Gunshamdoss which observations were considered by Sir Barnes Peacock as a reflection on the Legislative Council. Then on the 4th February 1860, the matter was by a motion referred to a select committtee and the report of the committee was presented on the 25th February 1860, when Sir Barnes Peacock moved the following resolution thereon; viz., "the remarks

of the learned Judges of the Supreme Court of Madras on Act XVI of 1859 in delivering judgment on the 8th August 1859 on the case of Gunshamdoss were unwarranted by the facts and were wholly unjustifiable." In moving the resolution Sir Barnes Peacock made a very long and interesting speech in the course of which he said that the members of the Legislative Council were as independent as the learned Judges of the Supreme Court of Madras and generally defended the conduct of the Legislative Council against the attacks of the Supreme Court. Mr. Sconce, Sir Charles Jackson and Sir Bartle Frere and the Right Honourable Mr. Wilson all took part in the debate. The original motion was eventually withdrawn and a resolution that a report of the Select Committee be adopted and transmitted to the Secretary of State for India was unanimously agreed to.

On the 18th August 1860, the record of the proceedings of the Legislative Council begins as follows :—"The order of the day being read for Sir Mordaunt Wells to call the attention of the Council to the evidence given before the Indigo Commission by the Hon'ble Mr. Eden, a member of the Bengal Civil Service, so far as his evidence referred to the administration of criminal justice in Her Majesty's Supreme Court." In thus calling the attention of the Council to the subject Sir Mordaunt Wells made an elaborate speech quoting facts and figures in defence of the Supreme Court of Calcutta against the charge made by the Hon'ble Mr. Ashly Eden that the Supreme Court and the Calcutta Jury were partial to Europeans accused of offences. Sir Bartle Frere, Mr. Forbes, Member for Madras, Sir Barness Peacock and Mr. Sconce, all spoke on the subject.

On the 15th December 1860, Sir Barnes Peacock moved that Government be requested to furnish several items of information specified in the notice of motion in respect to certain grant by the Government to the descendants of Tippu Sultan of Mysore. The Vice-President made a most vehement and eloquent speech in support of his motion. He closed his speech declaiming "*Fiat justitia ruat cœlum*". The motion was opposed most vigorously by Sir Bartle Frere and others on behalf of the Executive Government. The Council was divided and the votes were equal in number. Sir Barnes Peacock in the chair as Vice-President gave a casting vote in favour of his motion which was carried.

The information asked for by the resolution was substantially given by the Government on the 22nd December 1860 when Sir Charles Jackson in the absence of Sir Barnes Peacock expressed his gratification and said that the message granting the information "would increase that confidence which the Council had in the Executive Government and would promote that harmonious action between the Executive Government and the Council which was so greatly to be desired."

24. I believe that if similar powers are by statute bestowed upon the members of the reformed Legislative Councils the concessions would increase the confidence and harmonious relations between the Executive Government on the one hand and the elected members of the Legislative Councils and the people on the other.

These powers were taken away expressly by section 19 of the Indian Councils Act, 1861 (24 & 25 Vict., C. 67), which confines the business of the Legislative Councils to laws and regulations actually introduced before the Council or to be introduced and makes it unlawful for any member to make any motion or for the Council to entertain any unless it is connected with such laws and regulations. In his despatch accompanying the transmission of the Indian Councils Act of 1861 to the Government of India, Sir Charles Wood says, "I may frankly state to Your Lordship in Council that one object of section 19 is to prevent the Legislature from interfering with the functions of the Executive Government". The despatch nowhere contains reasons why the power previously exercised was taken away ; much less is there any suggestion in it that the power was in any way abused. In his speech in Parliament on the first reading of the Indian Councils Act, 1861, Sir Charles Wood doubted if the practice was intended by the Act of 1853. But the Act of 1853 and the rules and standing orders made thereunder were in force for eight years and a practice which had the active approval of Sir Barnes Peacock under the Presidency of Lord Dalhousie and Lord Canning cannot easily be said to be *ultra vires* of the Indian Legislature. Whether strictly within the letter of the Act or not, the practice itself existed under the rules and standing orders and the able and distinguished members of the Council who exercised the power cannot be said and are not as a matter of fact said to have abused that power.

The Indian Councils Act, 1892, restored part of these privileges. I humbly venture to submit that the time has come for the full restoration of these privileges with great advantage to Government and to the people.

25. I should like to say a few words about the recruitment of non-official additional members to the Madras Legislative Council. Instead of 17, the number of non-official members may be raised to 25, of whom from 3 to 5 may be reserved to be nominated by His Excellency the Governor. The rest may be elected directly by voters. The present Revenue districts with some re-adjustment, if necessary, may serve as electoral areas. I have already suggested what qualifications for voters and candidates may be demanded. If an official majority is to be continued, it might be urged there may be considerable difficulty in finding so many suitable officials without inconvenience to service ; but I do not think this difficulty is great. In addition to the officials now ordinarily appointed to the council from within the city of Madras, Collectors

and senior Deputy Collectors from throughout the Province may be appointed. It would no doubt be necessary to draw them away frequently from their work. But the advantages would be great. Apart from the varied experience which the official members from the mofussil would be able to place at the disposal of the Council and Select Committees, it would be of very great advantage to place so many officials and non-officials frequently together at meetings of Councils and of Select Committees.

26. Then as regards the Imperial Legislative Council I notice that the maximum strength of the council suggested by Government is 64, a number less than the number for the Imperial Advisory Council which is 60. I think the strength of the Imperial Legislature may be about 70. If the official majority is to be kept up, that majority might be from 35 to 38, the remaining non-official seats to be distributed among the seven provinces at the rate of three each. The old and distant Provinces of Madras and Bombay might have 4 to 5 each. The remaining members might be nominated by the Viceroy to represent, if necessary, minorities or special interests or as experts for special purposes. The members allotted to each province may be elected by the same voters that elect the members to the provincial councils; the electorate being marked into as many groups as there are members to be elected. I prefer this to election by non-official members of the Provincial Legislative Councils which I would suggest only as an alternative.

I venture to submit that one member each to be elected by the provinces for the enlarged Council of India is totally inadequate. The reasons which I have already given why Ruling Chiefs should not be appointed to the Imperial Advisory Council hold also in the case of the Imperial Legislative Council.

In conclusion, I desire to state that on the one hand a crisis, a very acute crisis, has been reached in the natural development of things arising under the system of administration inaugurated and built up by the wise and far-seeing statesmanship of the makers of the British Indian Empire and arising agreeably to the hopes and aspirations flowing from the great Proclamation and on the other hand, Government has, of its own initiative and with full knowledge of the general discontent in the country if not by reason of it, at least in part, started an issue great in conception and far-reaching in consequences. While the proposals which it has outlined though tentatively and provisionally have caused alarm throughout the country, as involving new and startling administrative principles. In these circumstances a very heavy responsibility rests upon Government. In so far as any responsibility has been brought upon the people by the wise action of the Government in inviting co-operation in the discussion of the great question, they have almost with one voice answered it unmistakably. The final discussion and ultimate decision rests with Government and its responsibility is as great as it is exclusive. Not only is the issue before the Government great but also the time is most opportune. But if the issue is great and the time opportune, I fear that the temptations calculated to induce Government officers and others who have influence enough to mar the beauty and usefulness of the important measure are also great. I must not omit mention of the fact that both the general tone of the letter of Government of India and the nature of the proposals which it has outlined for carrying out the great measure of reform it has initiated have the ring of the sinister influence of alarmists that have newly risen in India and have even secured converts in England. The statesmen into whose hands the destinies of this great empire are placed by Providence at this serious crisis are under the most solemn obligations to rise equal to the occasion and to rise superior not only to all influence but also superior to the suspicion of all influence of "certain passing events" in India, events the colour and significance of which rest upon secret information and excathedra views which have not been subjected to the test of publicity and calm inquiry and of the application of the golden rule of *audi alteram partem*. The whole situation calls for all the courage, statesmanship and resources of Government both in India and in England. The wise policy of a century and great and solemn pledges repeatedly affirmed are upon their trial at this moment. The earnest and prayerful hope and trust of the people of India whom the Divine Providence has committed to the care of the greatest nation in the world are that the great issue would be decided by Government so as to calm fears and compose agitation, so as to secure the confidence, contentment and happiness of the vast millions of India and so as to make no small addition to the name and fame of England for courageous justice.

XVII

Letter—from R. C. Dutt, Esq., C.I.E., Member of the Royal Commission on Decentralization, and retired Member of the Indian Civil Service.
To—the Private Secretary to His Excellency the Governor of Madras.
Dated—Madras, the 1st December 1907.

Not being a resident of Madras, I feel I have no right to address the Government on the subject of the scheme recently published for the expansion of the Madras Legislative Council. But as an Indian now staying at Madras, and having had recent opportunities of knowing a great deal of the people and the administration of this province, I take the liberty of submitting my views on the subject.

And I beg that His Excellency the Governor in Council may be pleased to take these views into his consideration along with the opinions of other officers and public bodies which have been invited.

2. From the scheme set forth, it seems that Government has some doubts whether the election of one Brahman or one Muhammadan or one Christian in such a large province is possible. And it therefore proposes to take power (as an alternative) to nominate members from those communities, instead of permitting elections.

3. Is it too late to withdraw from the idea of elections by classes, castes and creeds altogether? The only objection to the present system of elections according to territorial limits is that some classes are over-represented, and others under-represented. But this defect can be corrected by Government taking large powers to nominate members from the under-represented classes, after the elections are over. The people will be satisfied with this arrangement; and the adequate representation of all classes will be secured without recourse to the invidious plan of election by castes and creeds.

4. There are 22 or 23 districts in this province. Allowing one member for every two districts (formed into a group), eleven or twelve members might be elected by the districts under the present system of election by Local Boards and Municipalities. Two members may be returned by the Chambers of Commerce and the Senate, and Government may take power to appoint six or seven members from classes not adequately represented by election. The total number of non-official members need not exceed twenty.

5. England has ruled India for a century and a half without making any distinctions based on caste and creed. The new proposal of creating electorates according to caste and creeds is attended with danger. It will foment jealousies and hatreds, accentuate differences in daily life, and will be fruitful of local disturbances in the future. It will create aspirations among separate communities and guilds which can never be satisfied, spread discontent, and foster unfavourable impressions about the fairness and justice of the ruling power. European Governments do not accentuate religious differences in these days by creating separate electorates for Protestants and Roman Catholics. The same wise impartiality can be pursued in India; and the rights of the less advanced classes can be safeguarded in the way indicated above.

6. His Excellency will graciously permit me to add one word more in this connection. Much attention has been attracted by the present unrest in Bengal and in other parts of India. I speak with some knowledge of facts when I state that the unrest is not in any way serious. All the influential leaders of the people, —all who have some position and some stake in the country and some influence with their countrymen,—are moderate sensible men, thoroughly and honestly loyal to the British rule. But these very leaders of the people desire and expect at the present juncture some real extension of popular power, and a larger share in the administration of their concerns, from the Legislative Council down to Local Boards and Municipalities. If this is denied to them at the present juncture, their influence with their countrymen will be gone, and the discontented party will prevail. A wave of real unrest, attended with increase of crime, will spread over this peaceful country as it was so often done in Ireland. It would be true statesmanship at the present moment to prevent this, and to stifle discontent and help moderate men by some real concession to the people.

XVIII.

Letter—from M.R.Ry. Diwan Bahadur R. Raghunatha Rao, retired Deputy Collector in the Madras Presidency, and Ex-Minister of Indore.
To—the Chief Secretary to Government.
Dated—Kumbakónam, the 15th December 1907.
No.—824.

I have the honour to acknowledge the receipt of your letter of the 22nd November 1907, on the 3rd instant, requesting me to furnish the Government with my opinion on the questions raised in the memorandum drawn up by order of the

Governor in Council regarding certain measures proposed with the view of giving the people of India wider opportunities of expressing their judgment on administrative matters.

2. In the letter from Sir Harold Stuart, K.C.V.O., C.S.I., Officiating Secretary to the Government of India, which accompanied the said memorandum, paragraph 2, it is stated that "the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with the daily life and are qualified to speak with authority on their behalf." I entirely agree with this view.

3. At present, the Government of India have great difficulty in making their measures and motives generally understood and in correcting erroneous opinions of people thereon, a fact well known to the people as well as to the rulers. It is absolutely necessary that this difficulty should be removed as speedily as possible. The best means to remove it is, no doubt, to obtain the opinions on administrative measures and proposals for action of those qualified to advise Government. Government used to do so invariably about 30 years ago. This process has fallen into disuse of late. The formality of this process may have continued partially, but the weight which used to be attached to the opinions elicited has been vanishing. Hence the difficulty above referred to has been on the increase. I entirely agree with the sentiment expressed in paragraph 4 of the said letter, viz., "such advice and opinion as are thus obtained are the indispensable foundation upon which good administration is built up, and the regular consultation of persons qualified to give them is part of the necessary procedure of Government." This is no new idea. It was the principle of the ancient Hindu rulers, well known to the people and fully appreciated by both the rulers and the ruled. With the crusade against the village governments, systematically commenced a generation ago and against the Merasi, the tie which used to bind the ruled and the rulers has been loosened and they now do not know each other.

4. The Government of India now proposes to bring about an "Imperial Advisory Council" If its members be real representatives of the British subjects in India, such an assembly may be of some use to the country. The scheme proposed seems to me too bulky and not very practical in the long run. It will certainly do no harm and may do some good.

5. Another measure proposed is to establish "Provincial Advisory Councils." It is to consist of a select body of advisers, chosen upon a wide basis, to be consulted upon all measures of importance affecting the population of the Province. In this Council, smaller landholders, industry, commerce, capital, and the professional classes should also be included. This scheme is unobjectionable. It seems to me less impracticable than the Imperial one.

6. The procedure proposed in paragraph 6 for dealing with this Council is practicable and sound. I agree also in the remark that the opinions fairly and correctly obtained by collective deliberations are more valuable than those elicited by individual consultation.

7. The Secretary of State is said to have observed in 1892 (*vide* paragraph 8) that it might be "possible to give representation to the views of different races, classes and localities, through the medium of corporations vested with definite powers upon a recognised administrative basis, or of associations formed upon a substantial community of legitimate interests, professional, commercial and territorial."

8. The view is very sound. To obtain the desired end, the Government of India proposes, in paragraph 12, that the Governor-General's Legislative Council might in future be constituted on the following lines :—

The maximum strength of the Council might be 54, thus :—

(A) Ex-officio	9	
(B, C, E) Nominated ...	27	} The elected being one-third of the whole.
(D) Elected	18	

The total number is sufficiently large but the number of the elected may be increased, reducing that of the nominated.

9. In paragraphs 17, 20, 21 and 22 of the letter from the Government of India, suggestions are made about the enlargement of the Provincial Legislative Council.

In paragraph 6 of the Memorandum of the Madras Government, a scheme is suggested.

10. In the aforesaid paragraph 17, the Government of India suggests that a certain number of seats should be assigned exclusively to Muhammadans and a special Muhammadan electorate might be constituted and that a proportion of the seats for Indian gentlemen of position to be filled, as at present, by nomination. These suggestions are, in the existing circumstances, unobjectionable.

11. In paragraph 20 of the Secretary's letter the view of the Government of India is expressed, and it is that "the general principle to be borne in mind is, as already stated, that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained."

12. I am unable to understand the principle, the necessity, and the wisdom of the official majority in the Legislative Councils. Rather than maintain it and make the Council a farce, it is better to make a rule that in cases in which the Government may not have a majority of votes, it shall carry out the views of the minority on the responsibility of the Head of Government. Such a rule would be a valuable one releasing several important officers of Government from attendance at the Council, neglecting their own duties for which the people pay them handsome remunerations, and sitting in the Council room, imprisoned and directed to hold up their hands when called upon by the Government to do so. We have no party Government in India. The majority do not get the plums of service. The declaration now made that a law was passed by the Legislature is a misnomer and is really not true.

13. In paragraph 22, it is suggested that Local Governments should introduce into their system of election and nomination for these Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and permitting the members of that class to select its own representative. " . . . . In each case the electors ought to be literate and they should be required to elect from among their own group."

The Madras Government in paragraph 6 of their order invite remarks on the following scheme suggested; in which the number of non-official is fixed at 17, to be appointed on the following lines:—

(*a*)	To be nominated by His Excellency the Governor		2
(*b*)	Selected by the Madras Chamber of Commerce		1
(*c*)	Do. by the University		1
(*d*)	Do. by the Bar		1
(*e*)	Do. by landholders and landowners [not being members of class (*d*)]		2
(*f*)	Do. by the Madras City [not being (*d*) or (*e*)]		1
(*g*)	Do. by Brahmans		1
(*h*)	Do. by Muhammadans		1
(*i*)	Do. by Christians		1
(*j*)	Do. by all other persons		6
		Total ..	17

etc. etc. etc.

14. The scheme looks almost impracticable. My opinion is that, in the present state of the country, the qualification of the electors should be high in property, while that of the elected similarly high in property and specially literate. The population of our Presidency is 382 lakhs of people, of whom—

	LAKHS.
Muhammadans	25
Christians	10
Hindus	340
The rest	7
Total ..	382

To allow one million of people of one community to send one man to Government as their representative, is not granting too large a representation to the people. The people may be divided into Muhammadans, Christians, Hindus and others into each of the 22 districts of this Presidency. According to this rate and making liberal concessions to Muhammadans and Christians, there would be 32 Hindus, 8 Muhammadans and 4 Christians, as particularised in the schedule annexed. These should be allowed to sit in the Legislative Council as representative members in addition to those elected by corporations. These with officials should complete the Council.

The Governor may have the option to adopt the views of the majority or of the minority as he thinks fit. In this scheme, the contrivance for having an official majority disappears and the stigma that Legislative Councils are nothing but a farce will disappear.

15. Those to be elected may be divided into landowners and followers of professions. The constituency should vote for one of each when it has the privilege of electing two members and the constituency entitled to elect only one may elect one person who possesses both or either of them. The minimum qualifications of the elected should be fixed so high that really useful and important persons are elected. When the qualifications fixed are too high in any section of the people, it may be lowered temporarily till they are reached by the people concerned.

16. In the scheme (*a*) of paragraph 6 of the Government proposal, the number of non-official members for the Legislative Council is stated thus: that His Excellency the Governor nominates 2 (*a*) and 15 will be selected by others. Of these 15—

(*b*) Madras Chamber of Commerce selects 1
(*c*) Senate 1
(*h*) Muhammadans 1
(*i*) Christians 1

To this there is no objection.

(*d*) Selection by Barristers, etc., appears needless, as the Advocate-General is a member of the Council.

(*e*) Selection from Zamindars, etc., looks impracticable as electors are scattered over the whole Presidency.

(*f*) In the place of citizens of Madras, the Municipality of Madras.

(*g*) For Brahmans, Hindus should be substituted.

A graduate of any university should be declared qualified for voting, irrespective of property qualification.

17. If it be possible to conceive any system to carry out the object of Government other than the above, which may be simpler, more permanent, more effective, more practical, and better known to the people, it may be taken into consideration so far as this Presidency is concerned. I submit the following.

18. Merasi pangoos or shares are still known in many villages. With this system, other property qualifications may be utilized to form village communities. The sharers and others who may be payers of Government revenue above Rs. 10 may be allowed to form village associations, either for a single village, or, if it be too small for two or more villages combined; these associations to be presided by a President elected or selected. Such associations or panchayats may elect members for a Taluk Association, one or more according to the importance of their village, either from among themselves or others, provided the elected is literate and possessed of other qualifications prescribed. These Taluk Associations or Boards shall be elected by the Village Boards and the Taluk Boards may perform the work of the present Taluk Boards and other works—Revenue, Judicial, Sanitation, Municipal, etc., works such as may be entrusted to them.

These Taluk Boards may elect members for the District Boards, persons of prescribed qualification of classes, viz., landowners, heads of industries, of capital and of professions, according to the proportion of the population of the taluk. The

District Boards or Associations thus formed may be declared competent to do the work of the existing District Local Boards and other works delegated to them by the Government, and may be styled the Advisory District Councils. Their elected Presidents or such persons as the said District Boards may elect may form the Provincial Advisory Board, whom the Board of Revenue may summon to meet at Madras for Consultation. This Provincial Council shall be the Advisory Council of the Government also. It may be consulted by correspondence or in a meeting convened by Government. The Taluk, District and the Provincial Boards' or Councils' members may hold their posts for five years and may be eligible for re-election.

20. Their numbers may vary as population and prescribed qualifications vary among the people once in five years or three years.

Such a scheme may prove more than tentative and may become a national and permanent one.

Care should be taken in prescribing the qualifications of the elected.

The Collectors, the Divisional and Taluk heads may be declared ex-officio Joint Presidents of their respective Boards with the Police, Engineering, Sanitation departmental heads as members having no votes.

21. Such a system may be more in accordance with the idea, predilection and wish of the people and will not be subject to the flaw that the officials have all the power really in their hands.

22. The manner of working a system is more important than the system itself. The systems and rules now existing are in many cases excellent. A scheme like the one above described may and can be established and carried out, if a commission for each district consisting chiefly of non-officials and retired officials be appointed with directions to introduce the village associations within three months receiving good aid from the Collector of the district. The rest will at once follow.

23. The Municipalities should be formed on the same principle of election, raising the qualification of the elected and electors. They should have members of different sections of the people in them, so that all sections of people are represented.

24. They may stand in the place of Taluk Boards, having the privilege of electing members for the District Boards, they themselves managing their affairs without material interference of the officials, their Presidents being some of the people appointed by the Government and their Vice-Presidents always elected by the members with no secretaries.

25. The rules of the Petition department should be thoroughly and radically changed. The proceedings of this department create great dissatisfaction. Petitioners should be heard orally. Their written petitions to the executive departments of Government should be promptly disposed of. On the receipt of petitions, the law governing the case should be, whenever possible, very briefly noted by the receiving officer on the petitions and they should be referred for ascertaining the facts involved. The taking of evidence to ascertain facts must be open and in the presence of parties concerned and in the localities, which are the seats of the cause of action, by the Village or Taluk Boards or Associations when formed. Time should be fixed for the submission of reports on petitions and remissness should be promptly noticed with the displeasure of superior authorities. As it is now, it takes considerable time to obtain any final or any order from the Revenue Department. Parties should be encouraged to represent their cases in person. When they are represented by a member of the bar, the law involved should be at once decided after hearing the Counsel, so that his presence may not be necessary any longer. If the law laid down be not acquiesced as correct by the Party's Counsel, he may at once appeal against the dictum to appellate authority.

26. If the scheme I have above suggested be adopted and the enquiries of such cases be delegated to the Taluk or District Boards or Associations, the Government officials will be greatly relieved of work, the unsatisfactory mode of doing which has been the primary cause of discontent in the country.

ENCLOSURE.

Schedule referred to in paragraph 14.

These live in twenty-two districts as follow :—

Names of the districts.	Hindus.	Muhammadans.	Christians.	In lakhs.	Hindus.	Muhammadans.	Christians.
Ganjám	17	..	..	..	2	..	..
Vizagapatam	26	..	..	..	2	..	..
Gódávari	21	..	..	..	2	..	..
Kistna	19	1	1	..	2	1	1
Nellore	13	..	..	..	1	..	..
Cuddapah	11	1	..	..	1	1	1
Kurnool	7	1	..	..	1	..	..
Bellary	8	1	..	..	..	..	..
Anantapur	7	..	..	..	1	..	..
Madras	4	..	..	..	1	..	..
Chingleput	12	..	..	..	..	..	..
North Arcot	2	1	..	..	2	1	..
Salem	21	..	..	..	2	..	..
Coimbatore	21	..	..	..	2	..	..
Nilgiris	8	..	..	..	1	..	..
South Arcot	22	..	..	..	2	..	..
Tanjore	20	1	..	..	2	1	..
Trichinopoly	13	..	..	..	1	..	..
Madura	25	1	1	..	2	1	1
Tinnevelly	18	1	1	..	2	1	1
Malabar	19	8	..	..	2	1	..
South Canara	9	1	..	..	1	1	..
Total ..	..	..	..	..	32	8	4

XIX

Letter—from M.R.Ry. Diwan Bahadur A. VENKATARAMANA PAI, Retired District and Sessions Judge.
To—the Chief Secretary to Government.
Dated—Kasaragod, the 15th January 1908.

I have the honour to submit my opinion called for in your circular, dated 22nd November 1907, on the questions raised in the memorandum annexed thereto.

2. Opinions are invited on certain specified points relating to the scheme of the proposed Advisory Councils and the expansion of the existing Legislative Councils.

3. The Government of India suggest that the Imperial Advisory Council may be so constituted as to include a proportion of (*a*) the Great Ruling Chiefs and (*b*) Territorial Magnates of British India.

It seems to me to be more than doubtful if many of "the Great Ruling Chiefs" would care to be associated with the Indian subjects of the British Government. The time has not yet arrived, in India, when the Ruling Princes would deem it a privilege to be admitted as members of such Councils, even when they will have no legislative recognition and their proceedings will be treated as "private, informal and confidential". I venture to think that the opinions of the Ruling Chiefs on any questions may, as hitherto, be obtained confidentially through the Political Agents.

5. "Territorial Magnates" are undoubtedly an important class, but they have not yet made sufficient progress educationally, and although a small proportion of the members of Advisory Councils may be taken from the great zamindars, a larger proportion of useful members will necessarily have to be taken from the intellectual classes who have on the whole proved to be worthy of the position. If as individuals they are useful as members of Councils I think their education and their independent professions may add to their usefulness as councillors. As members of Councils their interests will remain unaffected.

6. The statistics given in paragraph 9 of the letter from the Government of India no doubt show that the legal profession has contributed a preponderating number of members to the Legislative Councils, but this very result shows that even with the

exercise by the Government of the power of nomination reserved for redressing any inequalities in the due representation of classes and interests it has not been possible to summon more members from the purely landed classes. The fact seems to be that these classes and "special interests" have not found it possible to present a larger number of qualified representatives, whether for election or nomination, and it would, I think, be futile, for a considerable period of time, at all events, to attempt to secure an appreciably larger number than hitherto of useful members of Councils from the landed classes or the special interests.

7. In regard to the proposed representation of castes and races—I think that the scheme is not sound in principle, while the practical carrying out of it would involve serious inconveniences.

8. In the first place the measure is by no means calculated to foster that growth of unity among the different castes and sections of the community in regard to their common interests affecting the administration, which is and has all along been the generous policy of the Government to foster. The whole tendency of the British Administration has been to reduce the racial and class differences so far as they might affect the common interests of the community to a minimum. The introduction of sectional electorates would seriously affect the measure of unity now existing in the community as a whole and check its future growth.

9. As regards the working of the scheme, racial and caste differences, wherever they exist, relate mainly to religious matters such as places of public worship and religious processions, and do not, generally speaking, affect the spirit of union happily created and gradually growing among the community as a whole in matters of general public interest. On the introduction of the proposed scheme, racial and class jealousies, wherever they exist, are likely to be accentuated. Such differences as do exist are scarcely more formidable in the case of non-Christian races and castes than among the different sections of the Christian population of the country. It is not difficult to foresee, for instance, a powerful demand on the part of each of the two great Christian sects, viz., Protestants and Roman Catholics, for the privilege of returning the sole Christian member of the Madras Legislative Council and I do not think the Government may find it easy to satisfy either section without causing dissatisfaction to the other.

10. I do not think that the Government of India intend to disenfranchise any existing electorates. In this Presidency the Local Boards and Municipalities have been electing four members for the Provincial Legislative Council. I do not know that the exercise of this right has produced any unsatisfactory results, at any rate, to such an extent as to justify its withdrawal, unless the Government think that the preponderant lawyer element is an evil in itself.

11. As regards the work to be devolved on the Advisory Councils, the Government of India declare their intention to accord no legislative recognition to these Councils, to treat their proceedings as "informal, private and confidential", and to call for the opinions of members individually or collectively and necessarily refrain from stating what specific classes of questions will be submitted for their opinion. As to "imperial questions" and "questions of common interest" between the British and Native Administrations, I feel I am not in a position to offer any useful or definite suggestions.

XX

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 466 (Confdl. 22), dated 11th February 1908.

The Hon'ble Mr. J. N. Atkinson (Commissioner of Revenue Settlement, etc.).

The Hon'ble Mr. C. J. Weir (Commissioner of Land Revenue).

The Hon'ble Mr. J. Twigg (Commissioner of Salt, Abkári and Separate Revenue).

The Hon'ble Mr. J. Andrew (Commissioner of Land Revenue).

The Board begs to submit its reply to the questions raised by Government in the memorandum annexed to G.O., No. 886, Public, dated 22nd November 1907, on the subject of the proposed Imperial and Provincial Advisory Councils, and enlargement of the existing Legislative Councils, Imperial and Provincial.

2. The Board may state at the outset that it feels a certain measure of doubt whether the establishment of the proposed Provincial Advisory Councils is altogether necessary, and whether the object which it is hoped to attain thereby could not be secured by adaptation and improvement of existing machinery alone without incurring certain risks which it is inclined to think that the proposal involves.

But Government have postulated that the establishment of the Advisory Councils is likely to be a valuable measure. The Board will not dwell, therefore, on an aspect of the matter which is outside the scope of the reference to it, but proceed at once to deal in order with the points on which its suggestions are invited.

3. *Imperial and Advisory Council*—(1) *Its constitution*—Paragraph 5 of Sir Harold Stuart's letter Nos. 2310–2317, dated 24th August 1907, contains a rough sketch of the constitution of the proposed Council. It states that the Council will consist of about 60 members for the whole of India including about 20 ruling chiefs "and a suitable number of the territorial magnates of every province where landholders of sufficient dignity and status are to be found." The Board understands this to mean that 40 of the members will be territorial magnates; each province contributing a number proportionate to its importance so far as it is able to furnish suitable persons.

4. The territorial magnates will, the Board presumes, be nominated by the Governors and Lieutenant-Governors of the several provinces. Turning to the proportion to be furnished by the various provinces, the Board observes that in Burma there are stated to be few large landholders outside the primitive Shan States. Bombay, like Madras, is mainly ryotwari, and these presidencies are likely to be able to furnish, in proportion to their size and importance, fewer large landholders of the stamp required than the remaining provinces. Accordingly the distribution of the forty seats may be roughly estimated as follows:—

Bengal	7
Eastern Bengal and Assam	4
United Provinces	6
Punjab	6
Central Provinces	5
Bombay	5
Madras	5
Burma	2
Total	40

It thus appears that Madras is likely to be called on to furnish five members to the Council once in five years. The Board presumes that the field of selection will comprise the zamindars, mittadars and jagirdars, the hereditary Rajas of Malabar, and any persons on whom Government may have conferred the title of Raja as a personal distinction who, though not members of the classes just mentioned, may deserve the appellation of "territorial magnate". The acting Fourth Member of the Board is strongly opposed to the inclusion of ruling chiefs in this Council for reasons similar to those indicated in paragraph 10 below in connection with their inclusion in the Legislative Councils.

5. It is perhaps hardly necessary to say that the Board would deprecate the application, whether in defining the field or in making the selection, of any hard-and-fast mathematical criterion based on figures of peshkash (which is of course by no means always proportionate to the importance of an estate) or even of rent-roll (since the nominal owners of large rent-rolls are sometimes practically paupers). The principle followed would no doubt be that which is at present observed in

selecting from these same classes Additional Members of the Legislative Council. Regard would be had to character, influence, ability and actual substance. Some minimum property qualification would be necessary, but on this point the Board is unable to make a definite recommendation until it is in possession of statistics which it has called on Collectors to furnish, which will alone enable it to propose a standard suited to the conditions of the Presidency.

6. (2) *Its work.*—The Council will be a purely consultative body without legislative recognition or formal powers of initiative. It would be consulted individually by the Viceroy, and occasionally called together either in whole or in part for the purpose of collective deliberation, when its members would be entitled to "offer their counsel on matters affecting the welfare of the people."

Government invite suggestions as to "the work which may be devolved upon them." The Board understands that it is requested to indicate the classes of questions on which such a Council might usefully be consulted. It would reply that it is neither necessary nor easy to lay down any hard-and-fast rule on this point. Assuming that the advice of such a Council will be of value at all, it will be of value on all large questions with which the Government of India may have to deal, though naturally it would be restricted in the main to questions of internal administration.

Its advice and its support might be expected to be of use wherever the prejudices of the people are likely to come into conflict with proposed measures (for example in such a matter as plague policy), wherever Government have to address themselves to the difficult and delicate task of assimilating what is best in indigenous culture and civilisation, combining it with suitable accidental elements, and adopting it to modern ideas and requirements (for example, educational policy may be cited). The treatment of sedition is another specific matter on which Government might feel that the advice of the Council would be likely to strengthen their hands.

But the Council is not merely to interpret the people to Government. It is also to interpret Government to the people to remove misunderstanding and combat misrepresentation. In exercising this function and thus popularising the measures and policy of Government, the sphere of its *possible* usefulness would be wide as the possibilities of misunderstanding and misrepresentation themselves.

7. *Provincial Advisory Council*—(1) *Its constitution.*—The suggestions of the Government of India on this point are contained in paragraphs 6 and 7 of Sir Harold Stuart's letter. They consider that the membership of these Councils should be smaller than that of the Imperial Advisory Council, but large enough to ensure the representation of all important interests. The nucleus would be formed by the Imperial Advisory councillors, representing the great landholders, but the Council should also include representatives of "the smaller landholders, industry, commerce, capital and the professional classes.". The members are to be nominated by the Governor or Lieutenant-Governor of the Province.

8. The Board would suggest that the nucleus of the Advisory Council should be formed by the non-official additional members of the Provincial Legislative Council. It is true that the Government of India have stated that the new counsels are to be altogether distinct from the existing Legislative Councils, but they also remark that it may happen that members of the Advisory Councils sit on the Legislative Council, Provincial or Imperial or both, so that the Board's suggestion is not strictly speaking in conflict with their suggestion. On the other hand it has this advantage that it would obviate to a considerable extent at all events the danger that any sort of antagonism might in time develop between the Advisory Council and the Legislative Council, the latter being regarded (in the persons of its elected members) as the democratic body representing the people and safeguarding their interests, and the former as an aristocratic body devoted rather to defending the interests of the Government and the large landholders against the attacks of the popular party.

9. It will be seen below that if the proposals of the Board as to the constitution of the reformed Legislative Council were adopted the non-official additional members of that body would consist of six representatives of the landed interest, three of commerce, four (probably) of the professional classes, two Muhammadans and two other nominated members.

To these would be added those members of the Imperial Advisory Council, who were not members of the Legislative Council and a sufficient number of nominated members to bring the total up to 25. Of the eight members of the Advisory Council who were not members of the Legislative Council (irrespective of the question how many of them happened to belong to the Imperial Advisory Council from time to time, in which respect there would be variations), six should in the Board's opinion represent landed interests while the principle to be followed in nominating the members required to make up the total should be to secure the representation of local areas or interests which would otherwise be represented inadequately.

10. *Enlargement of the Legislative Councils*—(1) *Imperial.*—Government invite opinions on the proposals contained in paragraphs 12 to 14 of Sir H. Stuart's letter. These are that the council should consist of 45 members in addition to the nine *ex-officio* members, made up as follows:—

Officials	20
A Ruling Chief	1
Elected by—	
Chambers of Commerce	2
Non-official Members of Provincial Legislative Councils	7
Nobles and great landowners	7
Muhammadans	2
Nominated to represent minorities, not less than two to be Muhammadans	4
Experts	2
Total ..	45

and (2) that the members representing the landowners should be elected by and from an electorate to be specially formed for each province consisting of persons paying not less than Rs. 10,000 land revenue.

As to the proposed distribution of the seats the only criticism which the Board has to offer is to observe that the inclusion of a Ruling Chief, whose territories lie outside British India, in a body which is to legislate for British India, and whose enactments will not extend to his territories, seems extremely anomalous. In addition to this it has been freely asserted in the Press that Ruling Chiefs would consider it derogatory to their dignity to sit even on the proposed Advisory Councils. The composition of the latter will be extremely select and the majority of the Board does not anticipate that chiefs will object to sitting on them on the comparatively rare occasions on which they are actually convened. The case of the Legislative Councils is different, and moreover the Board considers that it would be extremely undesirable to introduce Ruling Chiefs into a political arena in which the conflicts are only too likely to become sharper as time goes off, and to impose on them the invidious task of declaring for one side or the other in the controversies which rage round an Official Secrets Bill, or an Education Bill. In place of the Ruling Chief the Board will like to have another representative of the commercial interests which, with the industrial awakening of India, must grow yearly more important.

As to the proposed property qualification of the electorate the Board is not in a position to offer an opinion till it has before it the statistics to which reference has already been made.

(2) *Provincial.*—Government propose that the non-official seats on the reformed Council in this Presidency shall be distributed as follows :—

Nominated	2
Elected by—	
Chamber of Commerce	1
University	1
District Municipalities	..
District Boards	..
Madras Corporation	1
Landholders	2
Barristers, Vakils, etc.	1
Citizens of Madras	1
Brahmans	1
Muhammadans	1
Christians	1
Other persons	6
Total ..	18

Various property qualifications (the land revenue paid on ryotwari lands, the rent-value assessed to land-cess in the case of permanently-settled estates, and the full assessment on inams being adopted as indicative of such qualifications) are suggested for the various electorates, while somewhat elaborate rules, which the Board does not feel confident of having altogether understood, are proposed as to the mutual exclusiveness of these electorates.

As to the proposed property qualifications, the Board has again to state that it is not yet prepared to express an opinion.

As to the proposed electorates it has first to observe that the Government of India definitely state in paragraph 21 of their letter that they "do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils". The Government proposals involve such a withdrawal.

The proposals have been framed with a view to secure that "widest representation of classes, races and interests" which the Government of India have mentioned as a guiding principle.

11. The Board regrets that it is obliged to express its respectful but emphatic dissent from this portion of the Government's scheme. The proposals now under discussion were intended to no small extent as measures of conciliation, designed to pour oil on the troubled waters of Indian unrest and partially satisfy the reasonable aspirations of those Indians who desire increased political opportunities and privileges.

The suggestion under immediate consideration certainly does not seem likely to be accepted with gratitude by those whom it was intended to placate. On the contrary it is already viewed with intense and universal suspicion as a Machiavellian device intended to widen existing lines of cleavage, to check the supposed growing sense of nationality and to secure the position of the British Government by the application of the maxim "divide and rule".

12. The Board cannot say that these suspicions are altogether unnatural. It recognises that in the case of Muhammadans there are reasons for taking special steps to secure adequate representation of a special class, though rather on racial than on religious grounds, for the Muhammadans whatever they may be historically are practically a race. In regard to other castes or religions whom it is proposed to represent separately the same necessity does not seem to exist.

13. Apart from this, and apart from the odium which Government will incur by seeming to set caste against caste and to foster for selfish motives differences which they have always professed to be anxious to see obliterated, there seem to the Board to be insuperable difficulties in the working of the proposed scheme. Any body which is to elect a representative must be to some extent homogeneous with a more or less defined identity of interest which that representative is to safeguard. It cannot be said that the Brahmans of the Presidency or the Christians of the Presidency or indeed even the Muhammadans of the Presidency constitute such bodies.

It is inconceivable that such widely different communities as the Brahmans of Kumbakónam, the Uriya Brahmans of Ganjám and the Nambudris of Malabar ever would agree on a single representative. The same is true of the Christians, including as they do numerous Protestant sects, the Roman Catholics, and the Syrian Christians of Malabar; and it is true to some extent of the Muhammadans including the Mappillas of the West Coast, the Lubbais and Rowttans of the South, and the very distinct Muhammadans of other parts of the Presidency.

14. The Board would therefore propose that, as the Government of India has laid down, the Local Boards and Municipalities should continue to elect representatives to the Legislative Councils.

It would propose to have 17 non-official members of whom two should be nominated by His Excellency the Governor, one each should be elected by the Chamber of Commerce, the Corporation of Madras, and the Senate of Madras University, two each (one for the Northern and one for the Southern districts) should be elected by (*a*) the zamindars and big landholders, and (*b*) Muhammadans, and eight by Local Boards and Municipalities.

In order to secure representation of different interests as desired by the Government of India, by these eight latter, the Board would divide the Presidency into two groups of districts, Northern and Southern, as at present and would assign to each two members representing land, and one each representing (*a*) commerce and (*b*) the professional classes. The representatives should be the members of the classes represented, but the electorates should consist of the entire body of members of District and Taluk Boards and Municipalities. A larger number of electoral areas would be preferable, provision for which could only be arranged by proportionately increasing the number of non-official members.

The Board has included Taluk Boards as otherwise the District Boards would be swamped by the Municipalities. This would be particularly undesirable as the District and Taluk Board members are generally speaking men of far higher position and influence than the members of Municipal Councils, and represent the landed classes whom it is the desire of the Government of India to encourage; whereas the Municipal Councillors represent rather the professional classes whose influence is at present both disproportionate and not entirely wholesome. Moreover undesirable political movements have far more vogue in the towns than in the country.

15. At the same time the Board would, as suggested by the Government of India, raise the qualification for the Municipal franchise considerably. It does not feel qualified to make a definite proposal on the point. It would also abolish the ward system for electoral purposes, which though theoretically advantageous does not in reality seem to be productive of much practical benefit, and would substitute for it a system under which the seats should be distributed amongst representatives of the three occupational groups already referred to, land-owners, members of the commercial and business classes generally, and the professions. Thus the Municipalities would be qualified to assist in electing representatives of those three classes to the Legislative Councils.

16. In the proposals in the last two paragraphs the Board has proceeded on the assumption that the Government of India will adhere to their view that District Boards and Municipalities should retain their privilege of electing members to the Legislative Council.

But if this is not to be regarded as a closed question it recognises that there would be great advantages in the constitution of separate special electorates.

The qualification for inclusion in these electorates it is not in a position to discuss at present. There should be a separate list of voters for each of the occupational classes already referred to in each group of districts. The qualifications for franchise should be fairly high, and the Board considers that the same electorates might, in time, serve for electing members of the Local Boards—an advance which the Board presumes will come in the not distant future.

17. The Board's Acting Fourth Member is opposed to any system according to which the choice of a mixed electorate would be restricted as the classes from which its representatives should be drawn and as the number which should be

drawn from each class. He would propose the following constitution for the Provincial Legislative Council :—

Nominated by His Excellency the Governor	4
Elected by Chamber of Commerce, Senate and Corporation of Madras	1 each
Elected by District Boards and Municipalities (as at present) ..	4
„ by Landholders	4
„ by Muhammadans	4
	19

18. The Board has only to add that it fully recognises the importance of putting an end to the disproportionate influence of the vakil class, amounting almost to a monopoly of "political" life. The Board's proposals would have the effect of destroying their predominant position and would ensure due representation of classes whose influence is derived from worthier and more permanent causes, and who as they have greater interests at stake are less likely to embark upon an irresponsible campaign against Government from the mere desire to gain notoriety or satisfy intellectual vanity.

19. The Board's reply to paragraphs 1 to 4 of Government Memorandum No. 3466, Public, dated 2nd October 1907, will be submitted as soon as the Board is in possession of the statistics which it has called on Collectors to furnish.

XXI

Letter—from the Hon'ble Mr. J. Twigg, I.C.S., Acting Third Member, Board of Revenue, and Commissioner of Salt, Abkári and Separate Revenue, Madras.
To—the Chief Secretary to Government.
Dated—Madras, the 10th February 1908.

I have the honour to forward the following remarks on the points raised in the memorandum which accompanied your letter of the 22nd November 1907.

I.—Imperial and Provincial Advisory Councils.

2. Assuming the utility of such councils the memorandum invites suggestions as to their constitution and the work to be devolved upon them.

3. The objects the Imperial Advisory Council is intended to serve, appear to be mainly political and what is required in its members is not individual knowledge and experience, but that they should represent large tracts and populations, be able to give responsible opinions on questions affecting those under their rule or control and to do something towards forming and guiding public opinion. Status and influence, hereditary and territorial, are the necessary qualifications for membership, and I am unable to suggest any modification of the constitution proposed which appears to be the only one likely to secure what I understand to be the ends in view.

4. In the case of Provincial Advisory Councils on the other hand what is required is members who by personal knowledge and experience are qualified to speak for the various interests—land, commerce, capital, industry and the professions—which they represent. The existing Legislative Council cannot fulfil the functions designed for the Advisory Council because it meets at too infrequent intervals and the non-official members are too few in number and too little representative of the various interests indicated above. The formation of a distinct body of Councillors is therefore contemplated, but it is open to question whether the plan of having two distinct bodies side by side—one of nominated members holding the position as it were of confidential advisers of the Government, and one of members elected by the people but confined to the exercise of the formal functions of the Legislative Council—is likely to work well. A preferable arrangement would seem to be to form the Advisory Council by adding to the non-official members of the

enlarged and reformed Legislative Council a suitable number of members nominated with the view of securing a fuller representation of the various interests in the Presidency.

5. If a distinct body is to be appointed, I would suggest that the Council should consist of 20 members exclusive of members of the Imperial Advisory Council who according to the view of the Government of India should form its nucleus. The districts might be formed into ten groups from each of which a member representing the landed interest would be selected ; and in selecting other members the existing division into two groups, north and south, might be maintained. The constitution of the Council would be as follows :—

Imperial Advisory Councillors from	1 to 5
Representatives of landed interests (one from each group of districts)	10
Representatives of Commerce, etc. (Madras one and Northern and Southern groups two each)	5
Muhammadans	2
Representatives of Planting interest, Professions, etc.	3
Total ..	21 to 25

6. The proposals made below for the constitution of the Legislative Council would yield representatives of the various interests as follows :—

Land	6
Commerce, etc.	3
Others—Professional, etc.	2
Doubtful (those selected by the Senate, Madras, Muhammadans and by nomination)	6
Total ..	17

To these 17 members ten more might be added, the balance of whom after supplying a representative in the landed interest to such of the ten groups of districts as may not have already a representative on the Legislative Council might be allotted to other interests.

.7 As regards the work to be devoted upon the Advisory Councils, both Provincial and Imperial, it is difficult to draw up any general list in advance.

II.—Imperial Legislative Council (paragraphs 12 to 14 of the letter of the Government of India).

8. As to the proposals contained in these paragraphs, it appears to me that commerce is inadequately represented and—speaking here with diffidence as not being aware of the reasons that may have prompted the suggestion—it is not apparent what advantage can be gained from the presence on the Council of a Ruling Chief. It is suggested that this seat might be given to a member elected by the Madras Chamber of Commerce.

9. There would be no great difficulty in compiling suitable registers of voters for the greater landowners and the Muhammadans, respectively, but in my opinion a system of nomination would be the most satisfactory at all events at first.

III.—Provincial Legislative Councils.

10. The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election they have hitherto enjoyed though considering that special qualifications for members of Council might be introduced, but suggest the creation of an additional electorate recruited from the landed and monied classes. The scheme put forward in the memorandum abolishes election by District Boards and Municipalities and constitutes another electorate divided according to occupations and religions.

11. At present seven members are selected by the following bodies :—

Chamber of Commerce	1
Senate	1
Corporation of Madras	1
District Boards	2
District Municipalities	2
Total	7

According to the scheme fifteen members will be selected by the following bodies :—

Chamber of Commerce		1
Senate		1
An electorate composed of citizens of Madras		1
An electorate composed of zamindars and large landholders		2
Total		5
A general electorate divided according to occupation and religion.	Vakils, etc.	1
	Brahmins	1
	Muhammadans	1
	Christians	1
	Others	6
Total		10
Grand Total		15

Besides being extremely complicated the scheme appears to be open to objection in several other respects. It is conceded on all sides that special representation is necessary in the case of Muhammadans, but rather as being of a different race than as of a different religion from the Hindus, I venture to think that it is undesirable to have special representation for particular religions. Moreover, Brahmins and Christians consist of widely different and often not harmonious sects, and it would be extremely difficult to select a satisfactory single representative for either religion. In the next place though it is certainly necessary to reduce the predominance in vakils in the Council, it seems somewhat invidious to limit the selection of vakils of the manner proposed. The rules are not quite clear, but it is apparently intended to exclude all vakils (even those who are qualified otherwise than in virtue of their profession) from the Council with the exception of a single representative of the class unless the choice of the Chamber of Commerce or the Senate should happen to fall on a member of the profession. An instruction to a mixed electorate of the citizens of Madras that they were at liberty to choose any representative but a vakil or a zamindar would probably be deeply resented.

12. I venture to suggest a somewhat different scheme as follows :—

(*a*) Nominated by His Excellency the Governor	2
(*b*) Elected by the Chamber of Commerce	1
(*c*) Elected by the Senate	1
(*d*) Elected by the citizens of Madras	1
(*e*) Elected by the zamindars and large landholders	2
(*f*) Elected by the Muhammadans	2
(*g*) Elected by an electorate composed of members of District and Taluk Boards and Municipalities (or by a newly-formed electorate in lieu of the above)	8
Total	17

In cases (*e*), (*f*) and (*g*) the electorates should be divided into two—Northern and Southern—as at present, and in case (*g*) the electorate should be divided further into three classes according to occupation, viz.—

(i) Interested in land	returning 4 members	(North 2, South 2)
(ii) Interested in commerce, etc.	„ 2 „	(North 1, South 1)
(iii) Others, professional, etc.	„ 2 „	(North 1, South 1)

Each class should vote only for its own representatives; persons qualified to vote in more than one class (*e.g.*, a vakil who is also qualified as a landholder) should be allowed to choose in which class they will be registered; the qualifications for each class should be distinct, *i.e.*, the adding together of proportional qualifications as contemplated in (*d*) (iv) (*c*) of the scheme set forth in the memorandum should not be allowed. As to the composition of the electorate—

(*g*) two alternatives present themselves—

(i) It may consist of members of District Boards and Municipalities which would involve little departure from present arrangements. A difficulty would be that the members of the District Boards would be swamped by the members of Municipalities who are more numerous and often of inferior qualifications, though this might be remedied by including members of Taluk Boards in the electorate, and a further remedy would be supplied by the adoption of the system of voting in classes according to occupation. A special qualification would have to be introduced for members of Council, who would not necessarily belong to the electorate, and the somewhat anomalous result would follow that those qualified to be elected would be much more numerous than those qualified to elect them.

(ii) The other alternative is to create a special electorate on the basis of rental, land assessment or income. This would have many advantages and as most of the members of District Boards and Municipalities would be on the new electorate its substitution for the present electorates could not be regarded as a serious grievance. If thought advisable, however, it might be provided that all members of Municipalities or District Boards for the time being should be entitled to vote.

13. As to the general conditions suggested, I have only a few observations to make. I would suggest that the term of office should be three years instead of five; and that a knowledge of English should be a necessary qualification for a member of Council. As already mentioned, I would leave out condition (*d*) (iv) (*c*) as being unnecessary and certain to lead to great complications especially if voting according to occupation is adopted. It seems probable that the proposed property and income qualifications might be somewhat reduced, but this point cannot well be dealt with in the absence of lists showing what the numbers of the electorate are likely to be.

IV.—Election of Members of Local Boards.

14. The special electorate formed for selecting members of the Legislative Council, would, if enlarged by the lowering of the qualifications, be a suitable basis for the election of members of Local Boards, but as suggested in the memorandum it is premature to discuss the details at the present time.

XXII

Letter—from the Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., Director of Public Instruction, Madras.
To—the Chief Secretary to Government.
Dated—the 21st January 1908.

In reply to your letter, dated 22nd November 1907, asking for my opinion on the questions raised in the memorandum annexed thereto, the only conclusion at which I have been able to arrive is that the proposals are radically unsuited to the attainment of the end in view.

2. The main function of the Legislative Council is obviously to make laws and regulations.

Two privileges have been added to this function, (1) what is termed an opportunity for an annual review of the financial situation of the country or province, (2) the right of addressing questions to the Government on matters of public interest.

Both these privileges afford a means of criticizing the administration, the one direct, the other indirect.

The results of the combination have been disappointing to the administrators on the one hand and to the public on the other.

3. The fact that radical changes are proposed may, I presume, be taken to indicate that the Legislative Councils, as at present constituted and with their existing functions, have not fulfilled the expectations with which they were established and to which they gave rise.

As legislative bodies they have however served their purpose and non-official members both in Select Committee and in open Council have materially assisted the Government and have so modified many a Bill as to bring it more into harmony with the conditions of the country.

4. In so far as the Councils have failed it has, I suggest, been in respect of their other—the critical—function. Two causes of failure are put forward: (1) that the members represent one class to the exclusion, to a large extent, of many important interests; (2) that the formal procedure of a meeting of a Legislative Council and, I would add, the system of interpellation automatically tend to make the criticism destructive rather than constructive. The name "Advisory" proposed for the new and additional Council gives support to my view that advice rather than complaint is sought in the future.

5. If I have correctly diagnosed the disease, I venture to suggest that the remedy proposed is not the one which the symptoms indicate.

The proposed change in the constitution of the Legislative Councils is not likely to improve their legislative power, the great increase in number will prove positively detrimental to this end: while, on the other hand, there is no proposal to put those Councils in a better position to offer constructive criticism.

XXIII

Note on the Government of India's proposals for the establishment of Advisory, and enlargement of Legislative, Councils, by the Hon'ble Mr. J. N. Atkinson, C.S.I., Acting Chief Secretary to Government.

The general object in view is to bring all classes of the people into closer relations with the Government and their officers in order that—

(i) they may have wider opportunities of making known their feelings and wishes on administrative and legislative questions, and so, take a more effective part in shaping the action of Government, and

(ii) they may aid in making the motives and measures of Government generally understood, and in correcting erroneous and mischievous impressions. These objects it is hoped to attain by—

(*a*) the institution of Advisory Councils, and
(*b*) the enlargement of the Legislative Councils.

The Government of India confine their proposals in regard to Advisory Councils to the establishment of two bodies only, Imperial and Provincial. These will resemble each other—

(i) in functions, which will be those purely of advice and exposition, without any administrative or legislative powers; and

(ii) in operation, being consulted sometimes publicly, sometimes confidentially, sometimes collectively, at others individually.

But there is an important difference in their composition, the Imperial Council consisting of members drawn only from those whose status is territorial, while the Provincial Councils will embrace, in addition, representatives of industry, commerce, capital and the professional classes.

2. In so far as the Advisory Councils are concerned, the only novelty in the Government of India's proposals is that they will systematise what is now done informally. It is the practice of all administrative officers to consult those whose advice may be of value, and the Government of India recognise the fact. "This—they say—is in fact the process now followed, and the object of the Government of India in proposing the constitution of the new advisory bodies is to give clearer definition and continuity to methods already partially and occasionally adopted." The question then naturally follows, whether the creation of such a consultative body with definite constitution and functions is likely to enhance the value of the advice now obtained informally from any quarter which may seem to serve. Is it likely that a body of fifty or sixty persons specially selected and publicly appointed, will be of more assistance than—to adopt in modified form the language of the Collector of South Canara—the whole Presidency? Postulating what

could scarcely be questioned in any country, least of all in India with its peculiar social organization and its present foreign rule, the necessity for advice, we must admit the *primâ facie* desirability of regularising the sources from which and the mode in which such advice should be obtained. If regulation be dispensed with, and these matters be left to the uncontrolled discretion either of an individual official, or of a collective body, such as the Governor in Council, discretion is likely to become or at least to be represented as synonymous with caprice, and the advice given to be decried as self-seeking or subservient.

3. But while the foregoing considerations lead to the conclusion that, in the utilisation of non-official agencies for keeping touch with public opinion, a systematised procedure is desirable it is at the same time undeniable that no procedure, that can be devised, can insure full attainment of the object sought. The country is so large, the spread of civilisation and education so partial and ethnical and social barriers so many and so strong that complete acquaintance with public opinion is impossible. No Advisory Council conceivable under existing conditions could adequately represent the views of all the different communities of this Presidency, the jungle and hill tribes and the backward classes, representing though they do a very large proportion of the total population, while even among those whose position might obtain for them representation in the Council divergences of interest are so great, that fairness and equality of treatment could only be secured by making provision for eliciting the opinions of sub-caste at sections of communities. The Mappillas have nothing except their religious designation in common with the Lubbays : the social division between Ooriya Brahmans and those of the West Coast is as great as their geographical separation. It is unnecessary to multiply instances ; the question indeed arises whether caste, religious and social differences such as those between Shanars and Maravars, Tengkalais and Vadakalais ; Goldsmiths, Chetties and Brahmins ; and those which sp it every village into parties do not so completely engross popular interest as to preclude the formation of anything that can be called genuine public opinion, except it may be on questions in connection with which opposition against the Government has been fomented for political reasons.

4. Admitting, therefore, the obvious advantages of regularising the procedure for ascertaining public feeling, I venture to doubt whether any council that can be got together will always satisfactorily reflect such feeling. This, however, is not a serious objection to the proposed formation of Advisory Councils, but rather by way of *caveat* that too much be not expected of them, and that for the proper understanding of popu'ar wishes and feelings, it will still be necessary to have recourse to all possib'e sources of information outside the councils. Regarded from this aspect, the Provincial Councils will be of greater assistance than the Imperial Council in proportion to the wider and more popular area from which they will be recruited. On the other hand, it seems certain that the introduction of the popular element into the Provincial Council's will detract from the spontaneity and disinterestedness of their recommendations. Ruling chiefs and territorial magnates pay litt e or no attention to press and platform criticism, but the same cannot be said of the classes—small landholders, industry, commerce, capital and professional—from which the Provincial Councils will be drawn. Even when the deliberations of these Councils are confidential, fear of unauthorised revelations will act as a restraint on absolute frankness, while public conferences will produce opinions designed only to secure popular applause.

5. But it is in their capacity as a publishing and explanatory agency of the measures and intentions of Government, that Advisory Councils are most likely to disappoint the expectations of the Government of India. Popu'ar measures require no *claque*, unpopular will find none. And it is to be feared that if as must inevitably often happen, line of action is sanctioned by Government in opposition to the advice of the council, their sense of loya ty will be insufficient to deter all members from repudiating responsibility, and thus casting on Government the double odium of rejected counsel and unpopular measures. Indeed, there is a very rea' danger that in course of time the council might adopt an attitude of habitual opposition to Government, and might seek to force them into the false and invidious position of rejecting all advice tendered. Nor would the combined advocacy of all the members of the council avail to counteract misrepresentation in the press, or the propagandism of discontent which there is reason to believe, is now spreading in so many rural tracts. Of these, the former is the more noisy, the latter probably the more dangerous ; and both of them are beyond the reach of correction at the hands of the council. Newspaper editors are averse from explanations. Still less possible is it for members of the Advisory Council, or indeed for any agent of Government, to stump the country, and explain to credulous villagers that they should not believe that plague, famine, cholera, high prices and all other ills are due to the malignant contriving of Government. The greatest danger that can ever threaten the Indian Government will be when the loyalty of the cultivators is undermined ; that result can only be effected by sedition burrowing underground, which no force of official apologists fighting in the open will be able to destroy.

6. It appears then that no very solid advantage is likely to accrue from the establishment of Imperial or Provincial Advisory Councils. They will minister to the *amour propre* of those privileged to sit on them, and to this extent will be as effective as guns and orders and other marks of official favour in maintaining the loyalty of a section of the aristocracy : the value of their advice will be discounted in the one case by lack of knowledge, in the other by divided inclination ; while as official interpreters, they can hardly serve any useful purpose On the other hand, I do not think the Imperial Advisory Council is likely to do much harm, and knowing little of the classes from which it will be drawn, its sphere of work or aptitude therefor.

I should be unwil ing to express any decided opinion for or agrinst its creation. But Provincial Councils would be unnecessary and possibly dangerous. Whatever services they might be expected to perform could as well be rendered by the members of the Legislative Councils; and it would, therefore, in my opinion, be preferable so to reform the constitution of the latter that they may, whenever occasion requires, be used for advisory purposes; rather than to set up a second chamber, which, if in opposition to the Legislative Council, would be represented as a Government Junto, and if, in alliance with it against Government, would more than double the difficulties of the situation.

7. Turning to the Legislative Councils, I have little to say in regard to the suggested reforms of the Imperial Council. The proposals seem judicious with the exception of that for the inclusion of a ruling chief. The only points that appear to call for discussion being those connected with the qualifications for electors and candidates, and these will not be ripe for consideration till the information called for in the Madras Government's memorandum No. 3466, Public, dated 2nd October 1907, has been compiled.

8. The suggestions for reform of the Provincial Legislative Councils are extremely complicated and contentious, while the proposals formulated by the Madras Government in the annexure to G.O., No. 886, Public, dated 22nd November 1907, seem, in at least one important respect, to depart from the general principles laid down in the Government of India's letter. Thus, in paragraph 21 of that letter, it is stated that the privilege of election to the Provincial Councils is not to be withdrawn from District Boards and Municipalities, yet the scheme of the Madras Government contemplates election to the Council direct by the voters, and not *viâ* local bodies. And therefore, while the Government of India propose to give opportunities for the representation of races, castes and religions by reserving seats for them in Local Boards and Municipalities, whence they might, if they could win the favour of those bodies, obtain entrance to the Legislative Council by the ordinary process of election, the Local Government have propounded what seems to me a cumbrous and unworkable system for securing them direct election to the Council, thus bringing into much greater prominence the serious objections to c ass representation of this sort. It may be assumed at once, I think, that the proposal to earmark a seat for Brahmins and one for Christians wil be abandoned, the conditions of those two classes being totally different from that of Muhammadans.

9. I do not feel sure that the question, whether direct election or mediate through local bodies should be adopted, is one open to discussion, the Government of India having in paragraph 21 of their letter indicated their determination to adhere to the latter, *i.e.*, the existing system. Yet there seem to me certain obvious objections to it arising generally from the facilities it offers for Caucus methods. It must, moreover, be remembered that there is no real representative system in the case of Local Boards, a l members of Ta uk Boards being nominated. It will be necessary, therefore, to form an electoral body with appropriate franchise for areas not inc uded in Municipal limits, and since, as I think, the present extremely low Municipal franchise is an insufficient qualification for the purpose of electing either direct or mediately to the Legislative Council, it will be necessary to reform the mode of election in Municipalities. It seems to me, therefore, that it will be a mistake to postpone, as suggested in paragraph 7 of the annexure to the Government Order, the consideration of the electorates to be formed for Local Boards and that that subject as well as the amendment of the Municipal electoral rules, and of those for the Legislative Council, should be taken up and considered simultaneously.

10. The general question of the system to be followed in reforming the Provincial Legislative Council has been very fully considered by the Board of Revenue and the views expressed in its Resolution No. 466 Mis./Confdl. No. 22, dated 11th February 1908, are substantially in accordance with my own.

11. The two reforms proposed by the Government of India are intended to be steps in the direction of a more representative form of Government, and the remarks which I have offered, have been dictated by a consideration of those proposals alone without reference to any larger scheme of which they may be expected ultimately to form parts. But recognising, as we must, that whatever changes have been introduced during the period of British rule, in the form of Indian Government, have been towards constitutional, and in however small degree, towards representative Government, and assuming that the movement must continue in the same direction, it is worth while to consider whether these proposed reforms are likely to prove steps in advance or otherwise.

12. From time immemorial up to the present day, two forms of Government have existed side by side in India, autocracy in regard to all the greater concerns of State, and something very nearly approaching democracy in the village communes. The English peop e are no friends of absolutism as a form of polity and consciously or unconsciously would always seek to thrust something in the nature of parliamentary institutions on every country with whose economy chance may give them an opportunity of interfering. And so, for nearly half a century now, there has been a continued effort to get India to assimilate what were thought to be the e'ementary ingredients of representative institutions. The most robust optimism can scarcely say that the effort has yet been successful; the wonder is that any one should ever have expected a satisfactory result. You cannot graft an apple on a mango tree, nor does house construction commence at the middle storey. And yet, the true foundations of autonomy that are to be found in the village

communal system have been—perhaps fortunately—ignored, while, with our usual blind English enthusiasm we have been toiling to erect on Heaven knows what airy foundation, a whimsical sort of middle storey which we call Local self-Government.

13. There is an article * in the January number of the *Edinburgh Review*, which is in parts so apposite to the subject now under discussion, that I venture to transcribe from it at some ngth. (See Appendix.) The article only repeats what has often been said before of the danger of all political innovations, with special reference to the danger of introducing the exotic ferment of Western liberalism into the intense conservatism of Oriental countries. If definite steps are to be taken to develop the capacity of self-government in India, the most hopeful—perhaps the only hopeful—method will be, to start from the bottom with the old established village communal system. I believe that, on this basis, by exercise of the utmost care and with unlimited patience, it might be possible to build up a solid superstructure of self-government; but only, if all contact with Legislative Councils and Advisory Councils and similar imitations of parliamentary institutions be absolutely frustrated. The latter may please those who prefer European to indigenous articles, but are not likely to have any permanent effect in the constitutional development of the country.

* "The Government of subject races."

APPENDIX.

EXTRACT FROM "EDINBURGH REVIEW," JANUARY 1908.

"*The Government of subject races.*"

Englishmen are less imitative than most Europeans in this sense, that they are less disposed to apply the administrative and political systems of their own country to the Government of backward populations; but in spite of their relatively high degree of political elasticity, they cannot shake themselves altogether free from political conventionalities. Moreover, the experienced minority is constantly being pressed by the inexperienced majority in the direction of imitation. Knowing the somewhat excessive degree of adulation which some sections of the British public are disposed to pay to their special idol, Lord Dufferin, in 1883, was almost apologetic to his countrymen for abstaining from an act of political folly. He pleaded strenuously for delay in the introduction of Parliamentary institutions into Egypt, on the ground that our attempts "to mitigate predominant absolutism" in India had been slow, hesitating, and tentative. He brought poetic metaphor to his aid. He deprecated paying too much attention to the "murmuring leaves", in other words, imagining that the establishment of a Chamber of Notables implied constitutional freedom, and he exhorted his countrymen "to seek for the roots", that is to say, to allow each Egyptian village to elect its own mayor (Sheikh).

It cannot be too clearly understood that whether we deal with the roots, or the trunk, or the branches, or the leaves, free institutions in the full sense of the term must for generations to come be wholly unsuitable to countries such as India and Egypt. If the use of a metaphor, though of a less polished type, be allowed, it may be said that it will probably never be possible to make a Western silk purse out of an Eastern sow's ear; at all events, if the impossibility of the task be called in question, it should be recognised that the process of manufacture will be extremely lengthy and tedious.

But it is often urged that, although no rational persons would wish to advocate the premature creation of ultra-liberal institutions in backward countries, at the same time that (sic) for several reasons it is desirable to move gradually in this direction. The adoption of this method is, it is said, the only way to remedy the evils attendant on a system of personal Government in an extreme form; it enables us to learn the views of the natives of the country, even although we may not accord to the latter full power of deciding whether or not those views should be put in practice; lastly, it constitutes a means of political education, through the agency of which the subject race will gradually acquire the qualities necessary to autonomy.

The force of these arguments cannot be denied, but there should be no delusion as to the weight which should be attached to them. It has been very truly remarked by a writer, who has dealt with the idiosyncrasies of a singularly versatile nation, whose genius presented in every respect a marked contrast to that of Eastern races, that from the dawn of history Eastern politics have been "stricken with a fatal simplicity." Do not let us for one moment imagine that the fatally simple idea of despotic rule will readily give way to the far more complex conception of ordered liberty. The transformation, if it ever takes place at all, will probably be the work, not of generations, but of centuries.

So limited is the stock of political ideas in the world that some modified copy of Parliamentary institutions is, without doubt, the only method which has yet been invented for mitigating the evils attendant on the personal system of Government. But it is a method which is thoroughly uncongenial to oriental habits of thought. It may be doubted whether, by the adoption of this exotic system, we gain any real insight into native aspirations and opinions. As to the educational process, the experience of India is not very encouraging. The good Government of most Indian towns depends to this day mainly not on the Municipal Commissioners, who are generally natives, but on the influence of the President, who is usually an Englishman.

A further consideration in connexion with this point is also of some importance. It is that British officials in Eastern countries should be encouraged by all possible means to learn the views and the requirements of the native population. The establishment of mock Parliaments tends rather in the opposite direction, for the official on the spot sees through the mockery and is not unfrequently disposed to abandon any attempt to ascertain real native opinion, through disgust at the unreality, crudity, or folly of the views set forth by the putative representatives of native society.

For these reasons, it is important that, in our well-intentioned endeavours to impregnate the oriental mind with our insular habits of thought, we should proceed with the utmost caution, and that we should remember that our primary duty is not to introduce a system which, under the specious cloak of free institutions, will enable a small minority of natives to misgovern their countrymen, but to establish one which will enable the mass of the population to be governed according to the code of Christian morality. A freely elected Egyptian Parliament, supposing such a thing to be possible, would not improbably legislate for the protection of the slave owner if not the slave dealer, and no assurance can be felt that the electors of Rajputana, if they had their own way, would not re-establish Suttee. Good Government has the merit of presenting a more or less attainable ideal. Before orientals can attain anything approaching to the British ideal of self-government they will have to undergo very numerous transmigrations of political thought.

XXIV

Letter—from the Hon'ble Mr. A. G. Cardew, I.C.S., Acting Secretary to Government, Revenue Department.
To—the Chief Secretary to Government.
Dated—Fort St. George, the 7th February 1908.

I have the honour to submit the following reply to your letter, dated 22nd November 1907, and reminder of 5th instant.

2. I doubt whether it can be assumed that the proposed Advisory Councils will possess much value as a means either of eliciting opinion or of diffusing information. Being entirely nominated, they may be expected to approximate to the style of the old Legislative Councils (prior to 1892), and no one who remembers those Councils will expect much intelligence, independence or usefulness from the Advisory Councils. Possibly however they may possess some small degree of usefulness in supplying official recognition and an honorary rank to men who cannot or will not enter the Legislative Council, retired officials and the like. As the Advisory Council is to be purely consultative, no work can be devolved upon it, but the subjects to be placed before it will naturally include all proposed legislative measures, before introduction into the Legislative Council, and possibly the Annual Budget.

3. The real opinion of the people, so far as it can be got at from any Council, will still be obtained from the Legislative Council. The evil of the present constitution of that Council is the great size of the constituencies. When the election of a member has to be made by the representatives of a dozen districts, no candidate can succeed unless he is widely known and can afford to canvass from district to district. As a rule, only vakils are able to fulfil these requirements, and hence all elected members are vakils. The object that should be kept in view in revising the constitution is so to limit the size of the constituencies as to give local men a chance. Then the well-to-do landowner or trader may be elected.

4. The scheme suggested in paragraph 6 of the memorandum does not fulfil this requirement and is, I think, unworkable. The proposed constituencies would be even more scattered and less definite than at present. A constituency composed of all the lawyers, all the Brahmans, all the Muhammadans, all the Christians, or all other classes in the Presidency would be a mere inchoate mass. It would involve more canvassing even than at present and if a seat in the Council were of sufficient value it would lead straight to a caucus. The principle of caste representation is also, I think, objectionable. It is not, I submit, desirable to accentuate differences of caste or religion. The proposal in rule (*b*) that only a single Brahman should be allowed to sit under clauses (*d*) to (*j*) would give inadequate representation to the ablest and best educated class in the country. Similarly the proposal that only one lawyer should sit would go much too far in the direction of limiting the one

learned profession in which Indians have achieved success. Even in Great Britain, with enormously influential industrial and landowning classes, the preponderance of lawyers in the House of Commons is very great.

5. As, in order to retain an official majority, the number of non-official members must be limited to a number insufficient to give adequate representation to all parts of the country simultaneously, and as the retention of a territorial method is not only advocated by the Government of India but is essential to any sound system of constituting constituencies, the only plan is to have recourse to a system of rotation. Six members might be allotted to the District Boards, and six to the Municipalities, excluding the smaller ones, say with less than 25,000 inhabitants. The several District Boards and Municipalities would then take it in turns to elect representatives to the Legislative Council. The turns should be arranged so as not to give the choice to local bodies in one part of the Presidency at the same time. Thus for the first period of two years, the electing District Boards might be Ganjám, Chingleput, Bellary, Salem, Tinnevelly and South Canara. For the second period of two years, the election might be by the District Boards of Vizagapatam, Nellore, Kurnool, Madura, South Arcot and Malabar. In a four-term rotation, each District Board would thus get the right to elect once. The Municipalities might be similarly arranged so as to give each the right to elect in rotation. In order to exclude the "carpet-bag politician", the candidate for election must always be a member of the electing District Board or Municipality. There would thus be some chance of getting local men into the Legislative Council and in time local merchants or local landowners would almost certainly be elected. Canvassing and caucuses would not be encouraged. The District Board should itself be composed partly of elected members, and some measure of representation would thus be achieved.

6. After allowing twelve members of local bodies, there would be another five or six non-official seats to be filled. These would be distributed as at present among the Chambers of Commerce, the Senate of the University, the Planters' Associations and so on, any balance being filled by nomination by His Excellency the Governor.

XXV

Letter—from M.R.Ry. Diwan Bahadur N. Subrahmanyam Avargal, Administrator-General of Madras.
To—the Chief Secretary to Government.
Dated—the 17th February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd November last.

Advisory Councils.—The proposed creation of Advisory Councils, Imperial and Provincial, is as suggested by the Government of India very much in the nature of an experiment; and it is not easy to say how far they will fulfil the expectations formed of them by Government. In my opinion no useful purpose is likely to be served by their creation. The Government of India as well as the Local Governments, I believe, have now ample opportunities of consulting any individual members of the community for their opinion on any question and such opinion is and will always be readily given. Secondly, there is a powerful press throughout the country, English and Vernacular, from which Government can easily ascertain the views of the different sections of the community on the several questions that the Government have to deal with. Moreover there are associations formed to watch the interests of the different sections, and these associations are always ready to place before Government their views as to the wants of the people and the grievances under which they labour, and as to the propriety or otherwise of any measure which the Government may have under contemplation. Further, people are always ready to express their views on any questions affecting them by means of public meetings and memorials. If an Imperial Council is constituted consisting of ruling chiefs and territorial magnates as suggested by the Government, I doubt very much if a ruling chief would care to sit in council with a number of people whom he would naturally consider his inferiors; and he would probably either decline the honour of being appointed to such a council or if he consents to be appointed he will find the discharge of his duties very irksome.

The enlargement of the Provincial Legislative Councils.—I am of opinion that the Senate of the University of Madras and the Corporation of Madras should each be allowed to nominate one member. The Madras Chamber of Commerce, and the Madras Trades Association should also be entitled each to nominate one member; or if that is considered too many for the mercantile community of Madras each of them should be entitled to nominate a member alternately. As to the election of other members I am not in favour of the scheme set forth in the memorandum that Brahmans, Muhammadans and Christians should each nominate one, and the other classes nominate six, etc. In my opinion all the districts of the Presidency except Madras should be divided into four groups and each of these groups should be allowed to nominate three members, of whom one should be a representative of the landed interest, and one a representative of trade. The nomination may be made either by all the members of the Municipalities and District Boards in that group or by a special electorate to be constituted by Government within that group. In this connection I wish to say that the property qualification proposed by Government for a voter is too high, and that an annual income of Rs. 2,500 should be deemed sufficient to entitle a person to vote.

If the nomination to the Legislative Council be made in the above manner it will generally be found that members of the Muhammadan and Native Christian communities which form minorities and are nevertheless entitled to be represented on the Council are not elected. In such a case the Governor in the exercise of the powers of nominating additional members should take care that he appoints a Muhammadan and a Native Christian to the Council. It is a question for Government to consider whether the Eurasians as a class are not entitled to separate representation. If it should happen that the proposal of Government to constitute the Christians a separate electorate is finally adopted I will suggest that the term "Christians" should be restricted to mean Native Christians only as otherwise a European is sure to be elected.

XXVI

Letter—from H. F. W. Gillman, Esq., I.C.S., Collector of Madura.
To—the Chief Secretary to Government.
Dated—the 7th January 1908.
No.—R. Dis. 16 Rev.

In reference to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to report that I sought the opinion of the following representative bodies and persons in the Madura district.

(1) Madura District People's Association. } Associations.
(2) ,, Bar ,, }
(3) Sourastra Sabha.
(4) M.R.Ry. Rao Bahadur V. Ramabhadra Nayudu Garu, }
(5) ,, G. Srinivasa Rao Avargal, Chairman, M.M., |
(6) ,, P. Pandithorey Tevar Avargal, } Proprietors.
(7) ,, A. L. A. R. Arunachalam Chetti Avargal, }
(8) Mr. R. Fischer, |
(9) ,, E. F. Stranack, }
(10) Moulvi Syed Abdul Kahadir Ibrahim Sahib, Town Khaji of Madura.
(11) Rev. Mr. Jones, American Mission, Madura, }
(12) ,, Father Pages, S.J., Madura, } Christian Missionaries.
(13) ,, Mr. Desikachar, S.P.G., Ramnad, }
(14) M.R.Ry. V. Srinivasa Chariar Avargal, Deputy Collector.

No replies were received from Nos. (3), (4), (6), (12) and (13). No. (5) said that his opinion was the same as that of No. (1), and the replies of Nos. (7) and (9) are little more than general acquiescence. Intelligent criticisms of the proposals have been received from Nos. (1), (2), (8), (10), (11) and (14) and their replies are herewith submitted. I attach the greatest value to the opinions expressed by Mr. Fischer and the Rev. Mr. Jones. Both are able, thoughtful men, with no political bias, who have lived among the people and been of the people—Mr. Fischer for about half a century and Mr. Jones for 30 years.

2. The opinions expressed may be thus summarised:—

Imperial Advisory Councils.—The idea is approved and the suggestions made are in the direction of making the Councils more representative and useful bodies. Membership, it is proposed, should not be confined to ruling chiefs and territorial magnates, *i.e.*, property qualifications alone should not be made the basis of appointment, but men possessing large administrative experience, or high educational or professional attainments should also be chosen. Mr. Jones suggests the addition of a few retired Civilians or High Court Judges, the Deputy Collector favours retired Diwans and so on. The Viceroy cannot be expected to make a judicious selection of members without assistance. Presumably, the members will be selected from the various provinces of the Empire and it seems advisable that the Viceroy should appoint a large proportion of the Council upon the nomination of Provincial Governments. The Members of the Council should be highly educated and possess a good knowledge of English and should give their opinions collectively rather than individually.

Provincial Advisory Councils—are approved except by Mr. Jones who regards them as "unwieldy, bothersome and useless". The suggestion is unanimous that every district should be represented by a Member.

Provincial Legislative Councils.—Territorial representation is generally recommended and not representation by race and creed. Mr. Fischer says: "The formation of electorates on the basis of caste, race and religion is a retro-"grade step that will tend to emphasise and perpetuate racial distinctions and "antipathies, which are detrimental to the progress of all the communities of the "country, and are gradually being effaced as a result of English education and "Government". Mr. Jones while favouring proportion in class representation, so that no one class may have an undue preponderance as at present, questions "whether it is wise by legislation to restrict the natural right which certain "classes in the land have proved themselves to be possessed of for many centuries "to direct the affairs of the multitude". The remarks of both gentlemen deserve attention. The District and Bar Associations assert that the lawyers who have hitherto been elected to the Councils have also been landholders, and they point out that the adoption of a high property qualification will give one or two districts (especially Tanjore) a monopoly of the privilege of election.

3. I now beg to give my own opinion. In regard to the composition of the Imperial and Provincial Advisory Councils I am in general agreement with the opinions expressed above. I think that the former Council, if constituted as proposed, will satisfy nobody. If it is to be of any real use to be able to reflect contemporary opinion adequately, its members should possess brains as well as birth or lands. As many classes and interests as possible should be represented on this Council—though Chiefs and Magnates may be allowed to preponderate—Provincial Advisory Councils may consist of district representatives as also Territorial Magnates—all nominated. Estimating (very roughly) one representative for a population of two millions, every district would be entitled to a representative except Cuddapah-Kurnool and Bellary-Anantapur which may be given one representative per pair and Nilgiris which need not be given any. The total number of such members will be 20 (including one for the Presidency town). Five more may be nominated to represent class interests. There should be at least three Magnates and two Muhammadans on the Council.

4. The change in the system of election to the Provincial Legislative Council is admittedly levelled against the vakil and the schoolmaster. The election of the members of a representative assembly according to their caste, creed or race is a new departure for which it will, I think, be difficult to find a precedent in history. And it is particularly unfortunate that the proposal should be made at a time when racial passions in India are unduly excited. On the precise scheme suggested by Government in paragraph 6 (*a*) of its memorandum, I can only say that if selection of a single representative by Brahmans, Muhammadans and Christians be adhered to, then the system should be by nomination and not by election. The Moplah has no sympathy with the Lubbay of the East Coast or the purer Muhammadan of Kurnool. They are different races, and not likely to combine upon a single

representative. Similarly the interests of the various Christian communities are widely different, and the same may be said of the numerous sects of Brahmans. Lawyers only represent their clients, and *quâ* lawyers, there is no call to give them a representative.

5. A fact that should not be lost sight of is that the success of the lawyer at elections hitherto has been largely due to the extensiveness of the constituency. No one but a lawyer has the "pushfulness" to canvass over half the Presidency. A local Magnate is known in his own and perhaps the adjoining districts and would probably stand for election, if they alone represented the constituency. But he has not the nerve to go farther afield. It seems to me therefore that by reducing the area of the constituency and by imposing a high property qualification for a member, it will be possible to secure representatives, who will not be all lawyers and will possess an intimate knowledge of the areas they represent. I propose therefore that the Presidency should be divided into electoral districts and a member be elected from each by direct voting of an electorate possessing special qualifications. The following division appears to be satisfactory :—

(1) Ganjám, Vizagapatam, Gódávari.
(2) Kistna, Guntúr, Nellore.
(3) Cuddapah, Kurnool, Bellary, Anantapur.
(4) North Arcot, Chingleput.
(5) South Arcot, Tanjore, Trichinopoly.
(6) Salem, Coimbatore.
(7) Madura, Tinnevelly.
(8) Malabar, South Canara, Nilgiris.

To these eight territorial members may be added one each for the Madras Municipality, Chamber of Commerce and Senate. Muhammadans may be given two representatives (nominated) and Magnates two (also nominated), and His Excellency the Governor may have the privilege of nominating two more to redress what he may consider to be inadequate representation of minorities. This will make seventeen non-official members in all which is the number proposed by Government. Nominations of Muhammadans and Magnates may be made by His Excellency the Governor with the assistance of confidential lists furnished by Collectors.

6. Eight members representing limited constituencies will more efficaciously voice the grievances of the people than the present representatives of District Boards and Municipalities, each of whom feels himself to be responsible for about half the presidency. The two methods of representation cannot well co-exist and the latter may be abolished in favour of the former.

7. The property qualification to be required of candidates for the elective seats of the electorate may vary in different groups of districts. So far as Madura is concerned, a representative electorate numbering about 115 can be formed from those persons deriving an income of Rs. 3,000 or over from real property. A good knowledge of English seems to be an essential qualification for a candidate. An elected member ignorant or possessing an imperfect knowledge of English would tend to bring the Council into contempt.

8. With regard to the last paragraph of the memorandum, I doubt if the above electorate will be suitable for electing members of district and taluk boards. The electorate for the latter may, as suggested by Government, be on a wider basis and the property qualification may be lower. The system of election may be by direct voting within local areas to the taluk boards and by the taluk board to the district board. It is most advisable that a knowledge of English should be required of taluk and district board members. The whole question of taluk and district board representation may be treated independently of the representation on the Legislative Council.

ENCLOSURE No. (1).

[*Views of the Madura District People's Association.*]

Letter—from the Secretaries of District People's Association, Madura.
To—the Collector of Madura.
Dated—the 18th December 1907.

With reference to your letter, dated 3rd December 1907, we have the honour to furnish the opinion of the Madura District People's Association on the proposed scheme for the establishment of Advisory Councils and the enlargement of the Legislative Councils as follows.

2. The association approves of the contemplated establishment of Advisory Councils, both Imperial and Provincial, and submits that it is desirable to establish District Advisory Councils also, in which the Collector may be associated with non-official Indians in such matters as the administration of Income-tax, Forest, Irrigation, Famine, Plague, etc.

3. *Imperial Advisory Council.*—With reference to the constitution of the Imperial Advisory Council, the association notes that the proposal is to set up a council of about 20 ruling chiefs and 40 " territorial magnates."

4. The Association is not in favour of the proposal to have ruling chiefs in the council. They are not likely to be in a position to advise Government on matters pertaining to the administration of British India and may even find their position in the council delegate and embarrassing. The Association thinks that the opinion of the ruling chiefs themselves should be consulted as to whether they would like to sit in such an Advisory Council and tender advice regarding matters pertaining to British Indian administration. There no objection, of course, to the ruling chiefs being consulted on matters pertaining to the administration of the Native States.

5. With reference to the " territorial magnates " the expression is rather vague and the Government of India themselves, in paragraph 5 (3) of their letter, seem to doubt the existence of such " territorial magnates " in some provinces. So far as the Madras Presidency is concerned, if the standard fixed by the Madras Government of the payment of a peshkash or land revenue of about Rs. 20,000 to Government be taken to indicate the class of territorial magnates contemplated by the proposed scheme, the Association finds that there are only 36 zamindars paying such peshkash out of a total of over 900 and the Association doubts whether there are any such territorial magnates among the ryotwari landholders in the presidency, as the figures in paragraph 15 below will demonstrate.

6. The Government of India in paragraph 2 of their letter rightly base their recognition of the essential justice of the claim of the people to a larger share in the actual work of administration " upon the advance that has been made in education in the country " and the Association takes it to be an essential condition of membership in the Advisory Councils, that the members should be able to form definite and well-thought-out views on the important questions of the day and express themselves clearly in English.

7. Whatever may be the case in the North, it is a question for consideration whether the zamindars in this presidency have made sufficient progress in education to take an active and effective part in the proposed Advisory Councils. The facts that most of the zamindars in this presidency are heavily indebted, that it was necessary to pass the Impartible Estates Act to prevent alienation and dismemberment of their estates and that, when evidence was given before the Decentralization Commission, not more than one zamindar was selected for the purpose, are not without their significance in this connection.

8. The permanently-settled estates are confined to 15 districts in this presidency and pay only 8·6 per cent. of the land revenue in the Presidency, and if the Imperial Advisory Council is to consist only of ruling chiefs and " territorial magnates," by far the largest and the most important portion of the landed interest in this presidency will be left unrepresented therein. The Association is of opinion that it is as " essential that the smaller landholders, industry, commerce, professional classes should be included " in the Imperial Advisory Council, as it is admitted to be in the case of Provincial Advisory Councils.

9. The Association therefore begs to submit that from presidencies like Madras, where the ryotwari system prevails, a certain number of capable and highly educated gentlemen well qualified by their past training, whether in administration or in the professions, should be chosen to serve in the Imperial Advisory Council.

10. With regard to paragraph 5 (7) of the Government of India's letter, the Association submits that the council ought to give its opinion only at meetings convened for particular purposes and after interchange of ideas and free discussion among the members. The Government may be at liberty to ask for the views of individuals, whether members of the council or others, on any question, as at present, but those views will have no right to be called the views of the Imperial Councillors or acted upon as such. The Association also submits that, if, and when, action is taken upon subjects referred to the Advisory Council, the minutes and proceedings should invariably be published, so that the public may be in a position to know the views given by the council on such matters.

11. *Provincial Advisory Council.*—With regard to the Provincial Advisory Councils, the Association agrees with the proposal that the Provincial members of the Imperial Advisory Council should form part of them. With reference to the other members, the Association is of opinion that, as a rule, one member should be elected from each district in the Presidency and five more members may be nominated by the Government to represent special classes or interests, which may be deemed not to have been sufficiently represented by the District representation and the Provincial members of the Imperial Advisory Council.

12. The Association wishes to lay great stress upon each district being represented as it is essential for the Government to know how particular measures will affect each district and it is desirable that they know it first hand from members intimately acquainted with its affairs.

13. The members may be consulted by letter only in regard to matters affecting their particular districts and in other cases by calling them together at a meeting. The Association is glad to find that the Government of India attach the highest importance to collective deliberation.

14. The Association also submits that, if, and when, action is taken upon subjects referred to the Provincial Advisory Councils, the minutes and proceedings should invariably be published, so that the public may be in a position to know the views given by the council on such matters.

15. *Legislative Councils—Territorial Representation.*—With regard to the constitution of the Legislative Councils, the Association is unable to agree with the view that territorial representation is unsuited to India and submits that any other method of representation will be practically unworkable and injurious in its effects. With reference to the observation that a large number of members in the Councils are either lawyers or schoolmasters and that the landholding interest is not sufficiently represented, it is respectfully submitted that the Government have overlooked the fact that the lawyers and schoolmasters in the council have also landed property. The principle enunciated in paragraph 14 of the Government of India's letter, that an electorate from 100 to 150 may be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year, is quite unworkable in this presidency. There are about 80 zamindars paying a peshkash of Rs. 10,000 a year out of a total of 920 zamindars who are owners of both partible and impartible estates and these 80 are distributed only among 12 districts in the presidency. The ryotwari landlords paying Rs. 10,000 a year can be counted on one's fingers and probably are confined to the district of Tanjore. The following table, taken from the last jamabandi report, of single pattadars paying a kist of Rs. 1,000 a year and upwards, shows that, even if the standard of payment of land revenue be fixed so low as Rs. 1,000, there are several districts in which such pattadars do not exist and that the privilege of election will be monopolized by the landlords of one district, viz., Tanjore :—

EXTRACT from statement showing the rent-roll in the several districts of the Madras Presidency for fasli 1315 (1905–1906).

Districts.	Ryots paying over Rs. 1,000.				
	Single patta.		Joint pattas.		
	Number of pattas.	Assessment.	Number of pattas.	Number of share-holders.	Assessment.
		Rs.			Rs.
1. Ganjám	1	1,142	2	90	2,361
2. Vizagapatam	..	..	..	..	..
3. Gódávari	14	20,918	14	73	27,240
4. Kistna	10	14,039	6	61	9,364
5. Guntúr	5	5,477	5	91	15,630
6 Nellore	14	15,466	13	151	13,491
7. Cuddapah	1	1,380	2	10	2,172
8. Anantapur	1	1,077	1	5	2,150
9. Bellary	1	1,442	..	..	..
10. Kurnool	..	..	1	5	1,107
11. Madras	..	..	..	..	..
12. Chingleput	5	5,704	4	148	8,650
13. North Arcot	..	..	..	..	..
14. South Arcot	2	2,583	1	3	1,521
15. Tanjore	323	5,54,684	97	1,444	1,80,122
16. Trichinopoly	27	51,482	20	904	38,062
17. Madura	3	4,584	1	2	1,221
18. Tinnevelly	17	26,857	10	272	13,341
19. Coimbatore	..	..	3	11	7,470
20. Nilgiris	7	16,727	1	5	1,082
21. Salem	..	..	..	..	..
22. South Canara	61	94,416	8	31	13,261
23. Malabar	173	2,82,407	10	29	28,369
Total ..	665	11,00,385	199	3,335	3,66,614

16. The association therefore submits that an electorate formed of persons paying a large land revenue to Government will leave many districts unrepresented and is quite unsuited to this presidency.

17. *Imperial Legislative Council.*—According to the proposal contained in paragraph 12 of the letter of the Government of India, only one-third of the Imperial Legislative Council is to be elected by the Chambers of Commerce, non-official members of Provincial Councils and Muhammadans, together with the nobles and the great landlords. The association begs to submit that the proportion of elected members may be raised to nearer half by allowing seven more members to be elected, one by each of the provinces. If a Government measure elicits the unanimous disapproval of a body elected by so many divergent elements, it may be expedient to drop it and, in any case, His Excellency the Viceroy and the Secretary of State possess ample powers in cases of emergency. At all events one more representative may be given to some of the provinces with reference to their area and population and progress of education therein. The association submits that the election of two members by Muhammadans as a class is unworkable, as it will be difficult to form electorates and inexpedient as tending to countenance and emphasise race prejudices. The association submits that, whenever the Government feel that a particular class is not sufficiently represented, it should exercise its powers of nomination to make up such insufficiency.

18. The association suggests that the provinces may be divided into two or three groups of districts, according as two or three members are to be elected and that the District Boards and Municipalities may elect the required number of representatives in the same manner as they elect representatives to the Provincial Legislative Council at present.

19. *Provincial Legislative Council.*—With regard to the Provincial Legislative Council, the association regrets that it is quite unable to accept the scheme suggested by the Government of Madras. The scheme provides for the election of a pleader from among all the pleaders in the Presidency, of a Brahman from all the Brahmans, and a Muhammadan from all the Muhammadans, and a Native Christian from among all the Christians in the Presidency. Territorial representation is given only to non-Brahman Hindus and animists, the Presidency being divided into six groups of districts and each group electing a non-Brahman Hindu or animist. The association respectfully submits that representation by castes and creeds, even if workable, is quite uncalled for and calculated to intensify and perpetuate prejudices and differences that may now exist in the population of India and to throw powerful artificial barriers in the way of the natural growth of solidarity, unity, peace and contentment. It will also be difficult to constitute an electorate for each of the classes for the whole of the Presidency, as is admitted in paragraph 6 (*e*) of the Government of Madras memorandum. The alternative course suggested in the same sub-paragraph cannot, the association submits, be entertained seriously. The association submits that the interests of Brahmans, Christians and Muhammadans do not conflict with each other so far, as general legislation and general administration go, and that the experience of the past fourteen years since the institution of Indian Councils shows that non-official members have discharged their duties conscientiously and well and to the satisfaction of the people at large. It is difficult to see what particular interest the pleaders are expected to serve apart from the interests of the landlords and others who resort to courts, nor what particular class or religious questions, a Brahman, Christian, or non-Brahman as such is expected to promote from his place in the Legislative Council. It is also difficult to see why a Brahman, Muhammadan or Christian should cease to vote for a member of his class or be eligible to be returned as a member by his class, simply because he is in addition a pleader or zamindar. The object of the rules seems to be that there should be one and *no more than one* pleader, zamindar, Brahman or Muhammadan or Christian in the Legislative Council. The object of such a restriction is not intelligible. Above all, the Madras scheme completely throws overboard the present electorates, viz., the Local Boards and Municipalities, and overlooks the statement in paragraph 21 of the Government of India's letter that "the Government of India do not propose to withdraw from the District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the past fourteen years." The absence of any educational qualification is also surprising in the face of the premises with which the Government of India's letter starts and their special direction in paragraph 22 that in each case the electorate ought to be literate.

20. Coming to the qualification suggested for Brahmans, Muhammadans, etc.—classes (*g*) to (*j*)—an annual income of Rs. 5,000 or a payment of kist of Rs. 2,000 is obviously a very high qualification as shown in paragraph 15 above. The latter qualification will give a virtual monopoly in the election to one or two districts in the Presidency.

21. The association respectfully submits that territorial representation has worked well so far, that elections by Local Boards and Municipalities have resulted in the return of non-Brahmans as well as Brahmans and that the repeated election of a Muhammadan gentleman to the Imperial Legislative Council by the members of the Madras Council is additional proof that there is very little force in the plea for separate creed or class representation.

22. The association agrees that election by District Boards and Municipalities separately is not useful, but submits that each district should have a separate representative elected by the members of the District Boards and Municipalities together of that district. The association would point out in this connection that the qualifications for voters and members of Municipalities are very much higher in this Presidency than those mentioned in paragraph 21 of the

Government of India's letter for the mufassal towns of Bengal and that in this Presidency there is no qualification fixed for members of District and Taluk Boards, that the members of the Taluk Boards are all nominated and that members of the District Boards are only partly elected by the Taluk Boards. If a separate electorate is sought, the qualifications must vary with reference to each district, as a uniformly high property qualification will as shown above unduly favour Tanjore at the expense of the other districts and a uniformly high income-tax qualification will probably favour Madura at the expense of other districts.

23. The association notes with satisfaction that the Government of India propose to include all graduates of five years' standing in the Muhammadan electorate (paragraph 17) and submits that a similar privilege may be given to all graduates of five years' standing, irrespective of race or creed, to vote for the members of the Provincial Legislative Councils.

24. *Budget.*—The association notes with thankfulness that His Excellency the Governor's recent speech indicates that non-official members of the Legislative Council would be previously consulted in the preparation of the budget. The association is of opinion that the time has come when non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget.

25. In a minute of 1868 Sir Alexander Arbuthnot wrote: "With the view of establishing a thoroughly effective check over the expenditure of the Local Government, each Local Government should be required to submit annually to the Local Legislative Council a budget estimate exhibiting the probable amount of revenue which under the orders of the Government of India will be at its disposal and the expenditure which it is proposed to incur. The votes of the Council should be taken on the budget, section by section or item by item, it being open to any member to move the omission or reduction of any particular item of expenditure which he might deem unnecessary or unduly high, or an increase of charge when he might regard the budget provision too low, or the insertion of any new charges which he might deem called for. On all such amendments the votes of the Council should be taken and the budget should be finally passed and embodied in an Appropriation Act as voted by a majority of the Council."

The association respectfully submits that what Sir Alexander Arbuthnot said in 1868 applies with tenfold force now and that the powers of the Legislative Councils should be enlarged in the directions indicated above.

26. *Resumé.*—The important points that the association wishes to press for consideration are—

(1) That a very high property qualification for the membership or electorate of the Imperial Advisory and Legislative Councils is quite unsuited to the conditions of this Presidency which consists of a large number of small landholders of the ryotwari class.

(2) That separate representation of classes and creeds is impracticable, uncalled for, and injurious to the best interests of the country.

(3) That territorial representation, district by district, is necessary in the Provincial Advisory and Legislative Councils, for the due representation of grievances and wants of each district.

(4) That District Advisory Councils should also be established.

(5) That the opinions of all Advisory Councils should ordinarily be taken collectively at meetings instead of individually, and published when action is taken.

(6) That the District Boards and Municipalities ought not to be disfranchised and that, if an additional electorate is deemed necessary, the qualifications of the electors will have to be decided with reference to each district separately and graduates of five years' standing should form part of the electorate.

Enclosure No. (2).

Letter—from R. Fischer, Esq., Proprietor.
To—the Collector of Madura.
Dated—the 19th December 1907.

From the point of view of a selfish English stateman whose tenets I hold, and from my intimate knowledge of the natives, I am entirely opposed to giving them political rights or privileges of any kind, especially at this juncture, much as I like them. They have been given too many already and more than is good for them. Any concessions the Government may now have deemed it expedient to make might have been postponed to a convenient season, but not so soon after the disturbances in the North. The present proposals look as if they were extorted from Government. But as these ideas of mine at this time of day are likely to be laughed at, I, as a friend of the natives, enclose my opinion on some of the points raised in G.O., No. 886, in obedience to the request contained in yours of the 3rd instant.

I am sending you the Hindustan Review, in which there is an article No. 5 which you may like to read. Please return it after you have done with it.

The Government should introduce more Muhammadans into the services for their own sake.

OPINION.

Imperial Advisory Council.

Paragraph 3, clause 2.

All the members should not be chosen by the Viceroy. At least thirty should be allowed to be chosen by the Provincial Governments, the number being distributed according to the population, area and importance of each province. The Provincial Governments having an intimate knowledge of the qualifications of individuals in the locality and of the peculiarities of each province are likely to make a better choice than the Viceroy.

Clause 8.

I doubt whether the Ruling Chiefs would consider the membership of such a Council an honour. It looks like a sop thrown to Cerberus.

They will most likely decline it, but without being members of the Council their opinions may be sought and obtained whenever it is thought necessary or profitable.

The members should all be highly educated men and have a good knowledge of English.

Provincial Advisory Councils.

Paragraphs 6 and 7.

The number of this Council for Madras should be one for each district and one more for each of the cities having a population of 80,000 and more. No Imperial Councillor of a province should be a member of this body.

Whenever any measure is published for the information of the public, it should be stated whether the Advisory Councillors had been either individually or collectively consulted and how far the measure is in accordance with their views. If any matter of importance is referred for sanction, approval or information to the Secretary of State by the Viceroy or the Local Government or to the Viceroy by the Local Government, the results of the consultation with the Advisory Councillors should also be communicated.

The main functions of the Advisory Councils are said to be the ascertainment of the views of the people and the diffusion of correct information among them of the intentions of Government. These functions are in some measure now, and will be in a greater measure in future as education spreads, discharged by the public press. All legislative measures and important administrative Acts which do not require any secrecy before promulgation should be placed at the disposal of this body as it is recognised as a necessary factor in the administration of every civilized and progressive country.

Legislative Councils.

Paragraphs 9 and 10.

The existing system of territorial representation in the election of members of the Legislative Councils is objected to on the ground that there is a preponderance of members of the legal profession in the Council; and that there are not so many zamindars or members of the landed aristocracy in the Councils as there ought to be.

The remedy suggested is that there should be a full representation of all races, castes and religions. Many of the lawyers are themselves landed proprietors. Having no special interest to represent as a class, they are in fact representing the various material interests of the other classes of the community such as landholders, merchants, etc., by whom they are elected on account of their superior capacity for discharging the high functions attached to the office of the legislator.

The Madras Presidency being a ryotwari province, the few zamindars therein cannot be considered as representatives of the whole body of landholders. At last they represent only half the landed interest in their own estates; while the tenants who own the other half cannot be said to be truly represented by their landlords.

There should be three representatives of the landed interest in this province—one for zamindars and two for ryotwari landholders under Government and the ryots under the zamindars.

The property qualification with regard to the ryotwari landholders and the ryots under the zamindars should be fixed at Rs. 1,000 rent or revenue a year.

The formation of electorates on the basis of caste, race and religion is (1) impracticable and attended with a degree of labour and cost quite incommensurate with any resulting advantage; (2) a retrograde step that will tend to emphasize and perpetuate racial distinctions and antipathies which are detrimental to the progress of all the communities of the country, and which are gradually being effaced as a result of English education and Government; and (3) tends to retard the unification of Indian nationality.

The tendency of civilization is never to base political and social organisations upon purely religious and racial considerations. The proposed distribution of the political and municipal franchise according to race, caste and religion is opposed to the well-recognised principle of religious neutrality hitherto adopted by the British Government.

Distinctions of race and caste are nominal and found only in unessential forms and are confined to religious worship, if at all, and to domestic relations. They do not represent as they did in the past the different occupations or trades, nor do they form a true criterion for the division of various interests in the country.

Any division based upon ethnological principles which was possible in the old cities of Greece and of Europe in the dark ages must be utterly unsuited to the Government of a vast country like India.

The only distribution of franchise both for Imperial and Provincial Legislative Councils should be one based on territorial divisions, suitable provision being made for adequate representation of occupational groups such as landholders, cultivators, traders and professional men.

Imperial Legislative Council.

Paragraph 12, *clause* 2, *sub-clause* (*c*).

A Ruling Chief is unnecessary even if he agrees to be appointed. No benefit will accrue to either side.

Clause D, *sub-clause* (*c*).

There will be much difficulty in forming an electoral body of individuals scattered over various parts of India and even over a Presidency where every elector must necessarily be ignorant of more than 90 per cent. of his companions.

Provincial Legislative Councils.

Paragraph 22, *clauses* (*a*) *and* (*b*).

The classification based upon race, caste or religion will be impracticable. "Race" is too vague a term for consideration in actual division and each caste has so many sub-divisions that it will be extremely difficult to define their limits; the claims of some communities that they belong to a certain caste are disputed by others, *e.g.*, Shanars claiming, but not admitted to be Kshatriyas and Sourashtras claiming but not admitted to be Brahmans and so on. Castes cannot now be distinguished by their callings.

Paragraph 22, *clause* (*c*).

The old system of election by Municipal and Local Boards should be retained. These bodies should consist of elected members chiefly. Election should be introduced for the Taluk Boards also. It is in forming electorates for these bodies trial must be made, if at all, of election on the basis of race, caste or religion.

When property qualification is applied there must be a distinction between the candidates and the electors, the lower minimum being of course sufficient in the case of electors.

Paragraph 23.

Powers should be given to members of the Legislative Councils to initiate legislation by introducing Bills, to put further questions upon the answers given to original interpellations in the same meeting, and to call for division upon any matter raised in the discussion of the budget.

Paragraph 6, *clause* (*a*).

Sub-clause (*d*) is not advisable. Lawyers as such do not represent any interest except those of their clients.

In sub-clause (*e*) the qualification within brackets is unnecessary.

In sub-clause (*f*) the qualification within brackets is unnecessary; because the citizens have a right to vote according to the rent value of their property or the amount of the income-tax they pay.

Sub-clause (*g*) to (*j*) should be omitted altogether; for they form electorates based on caste, race or religion.

The ten seats secured by the elimination of the above may be reserved for election by Municipalities and District Boards forming electorates by territorial division of the province. No distinction should be made between members of Municipalities and those of Local Boards.

Electoral divisions for the Madras Presidency may be as follows:—

Ganjám, Vizagapatam, Gódávari, Kistna and Guntúr	2
Cuddapah, Kurnool, Bellary, Anantapur and Nellore	2
Chingleput, North Arcot, Salem, Coimbatore and Nilgiris	2
South Arcot, Tanjore, Trichinopoly, Madura and Tinnevelly	2
Malabar	1
South Canara	1
	10

If there are not sufficient representatives of the Muhammadans, Christians or non-official Europeans they may be nominated under sub-clause (*a*). In sub-clause (*a*) there may be four instead of two (two Muhammadans, one Native Christian and one non-official European). If these communities do not get representatives in the election, they may under other sub-clauses.

Paragraph 6, *clause* (*b*).

The restrictions with regard to qualifications may be modified in this way :—

The candidate under sub-clause (*b*) will be a merchant ; under sub-clause (*c*) an educationist ; under sub-clause (*c*) a zamindar.

With regard to election under other clauses there should be no restriction as to the calling of the candidate.

Paragraph 6, *clause* (*a*).

The property qualification should be an annual income of not less than Rs. 5,000 ; or payment of assessment to Government of not less than Rs. 1,000 a year ; or the possession of landed or house property whose rent value is not less than Rs. 5,000 ; or payment of Government revenue or rent of not less than Rs. 500 a year.

With regard to candidates under sub-clause (*e*), payment of land revenue of not less than Rs. 10,000 a year or possession of land of the annual rent value of Rs. 20,000.

Paragraph 6, *clause* (*e*).

This should be omitted.

Paragraph 6, *clause* (*f*).

There should be educational qualifications only for candidates and not for voters.

Page 17, *paragraph* 7.

The constitution of the Local Boards should be first settled before the formation of the electorate for the Councils. If the Local Boards are properly constituted a better representation of all communities and interests will be found in the Legislative Councils.

One-half of the members of the Taluk Boards—three-fourths of the members of the District Boards and of the bigger Municipalities and one-half of the members of the smaller Municipalities also should be elected.

The property qualification of the members of the Municipalities and Local Boards should be raised and no educational qualification need be insisted upon.

The property qualification for members of Local Boards and Municipalities should be payment of house-tax of Rs. 100 a year or land revenue of Rs. 200 a year or the possession of lands, the rent value of which is Rs. 500 a year or the payment of an income-tax of Rs. 50 a year.

Property and other qualifications in case of electors—

(1) All graduates of universities.
(2) Payment of income-tax.
(3) Getting a monthly salary of Rs. 50 or more.
(4) Payment of land revenue of Rs. 25 and upwards.
(5) Payment of a house and other tax of not less than Rs. 10 a year.

Enclosure No. (3).

Letter—from the Rev. J. P. Jones of the American Madura Mission.
To—the Collector of Madura.
Dated—Pasumalai, the 13th December 1907.

Referring to your favour of the 3rd instant asking me to furnish my opinion concerning the G.O., No. 886, Public, of the 22nd November, I have the honour to submit the following suggestions :

1. The Imperial Advisory Council is an excellent idea, for it will help to create Imperial sympathies and interests among the ruling princes of India. The only thing I would suggest is that in addition to these princes a small number (say 12) of retired Indian Civil Servants and High Court Judges be nominated by the Viceroy as members of this Council. Their wide experience and thorough training would lend much value to the Council itself in all its deliberations.

2. I do not believe that Provincial Advisory Councils have the same reason for existence as the Imperial one. Indeed I believe that they will be an encumbrance, not only unwieldy and bothersome in their nature, but also largely useless so far as any aid to legislation is concerned.

3. I doubt the wisdom of adding to our Legislative bodies a large proportion of elected and unofficial members. The Government wisely, and, as a matter of course, reserves to itself a majority and a paramountcy in all its Legislative bodies. It will only add exasperation to the native, elected, members of these Councils to find themselves so nearly equal in voting power to the Government and yet always in a hopeless minority.

I sometimes question whether it would not be better, because more in consonance with the real desire of Government and with popular need and ambition, to make it possible, through added members, for native members to be able to out-vote the Government on certain defined lines of legislation only; but always reserving to the Viceroy and to the Governor in Council the right of veto. At the present time the Government has reached an *impasse* with the people. It is willing to give them almost anything but the right to legislate and to administer. The people, on the other hand, are to-day unwilling to be satisfied with anything else. Could not therefore a limited legislative power be granted to them under proper safeguards and within definite limits? It will be a difficult thing to do satisfactorily; but it will be less difficult than to give them even a small modicum of satisfaction in the proposed scheme.

4. I doubt the wisdom of the power of interpellation given in our present Legislative Councils. I know that this question is not one at issue at present; and yet in the present state of tension between the elected and the official members of the Council, interpellation, which would otherwise be of considerable value, is utilized only to render articulate both real and supposed grievances against the State and to accentuate the antagonism between the two elements in the Councils. Interpellation is an opportunity furnished by the State to its critics to emphasize all its failings. It is a most serious weapon of destruction and, so far as my reading informs me, is only used for destructive criticism. It is never used constructively with a view to improving legislation. In this way the State furnishes to those who are not at present most friendly to its methods and efforts the best weapon of abuse that I know of. And I am confident that much of the recent sedition and disloyalty has drawn its strength from and found its method and motive in our legislative halls.

5. I favour giving to certain classes definite proportions of representation, so that no one class or profession shall, as at present, have a representation which is far beyond its rights and legitimate claim in the community. And yet on the other hand, I question whether it is wise by legislation to restrict the natural right which certain classes in the land have proved themselves to be possessed of for many centuries to direct the affairs of the multitude.

I hardly think it will be wise to withdraw from the Municipalities and the District Boards the franchise. They may not have exercised their rights wisely in the past; and yet I see no better way of electing a certain number of men to the Councils than through these well-known agencies. It will certainly be very difficult to create, at the present time, better agencies for the exercise of this right.

ENCLOSURE No. (4).

Letter—from MOULVI SAIYID ABDUL KHADAR IBRAHIM SAHIB, Town Qazi, Madura.
To—the Collector of Madura.
Dated—the 2nd January 1908.

With reference to your R.O.C. No. 1632-B.G., dated 3rd December 1907, forwarding a copy of G.O., No. 886, Public, dated 22nd November 1907, embodying in it a memorandum drawn up in pursuance of an order of the Governor in Council regarding certain measures proposed for the purpose of giving the people of India wider opportunities of ventilating their opinions on administrative problems and inviting the written opinion thereon of the leading members of the Muhammadan community on the questions raised in the aforesaid memorandum, I think it my duty in their name and on their behalf, to thank you, in the first instance, for your kindness, courtesy and sagacity in having thought of them in connection with the matter.

The following are the remarks which in consultation with them I have to offer under each head.

Imperial Advisory Council.—It is not clear from paragraph 5 (2) how the members of this Council will be appointed by the Viceroy. It is, however, taken for granted that the Viceroy will be pleased to consult the various Provincial Governors, who will in their turn consult the district officers. It would be better that the mode of appointment is definitely laid down, the Viceroy being at a considerable distance from and consequently beyond the easy reach of and out of touch with the bulk of the inhabitants of India.

It is not known on what data the strength of the council has been fixed at about 60 in paragraph 5 (3). The interests of the people cannot, it is feared, be properly safeguarded unless there is at least a member to represent each district of the various provinces either as a Ruling Chief or as a territorial magnate. The strength may be adjusted according as circumstances may require. The term "territorial magnates" is vague and it is, therefore, respectfully suggested that they may be exactly defined in order that the class of persons from whom the councils are proposed to be recruited may be induced to have the same in their minds' eye to come up to.

the level thereof if they are below it and that thus there may be a healthy stimulus to the due growth and development of the aristocracy and the landed interest of the country. The seats should not be confined to the above two classes of people only but should be thrown open also to others who, by their eminent talents, professional status or educational attainments, may be deemed worthy of them. Such a course will result in fit members being selected from other classes in the absence in any district of either the ruling chiefs or the territorial magnates of the required standard. In this connection it is devoutly hoped that only such qualifications will be prescribed by the Government that without much difficulty candidates may in the light thereof be found available here, there and everywhere.

Provincial Advisory Councils.—These Councils may be Imperial Councils in miniature, being constituted in the same manner but with two members in each district, one of whom being the member of the Imperial Advisory Council or not. The advantage of having two members will be that at least one of them may always be expected to be at hand and the two sides of a question may at times be brought out to the benefit of the public and the Government. Besides, these two members themselves would be in a position to consult with each other and approach a district officer with a settled view whenever their advice is sought.

In both the above Councils in case the Muhammadan element is found wanting or in a helpless minority, provision for its fair and adequate representation may be made in whatever manner it may appear fit.

Imperial Legislative Council.—Words fail with my frail tongue to appropriately express the thanks of my community for the solicitude of the Government to protect the interests of the Muhammadans.

Provincial Legislative Councils.—It is proposed to select one Brahman, six other Hindus, one Muhammadan and one Christian. As practically the Brahmans and the other Hindus are one and the same, it amounts to making a distinction in a case where there is no difference and so, a more judicious arrangement seems to be to allot three seats for the Muhammadans and one for the Christians, reserving the other five for the Hindus—be they Brahmans or other Hindus. The qualifications for the voters generally and for the Muhammadans in particular, must be lowered according to the conditions obtained in the different degrees of Indian society. As in the matter of the Imperial Advisory Council, it is believed that the Government will not frame any hard-and-fast rules in this respect, in order that the supply may be always equal to the demand.

The amount of property qualifications for the Muhammadans may be fixed at one-quarter of what may happen to be fixed for the Hindus. Our community is in entire accord with the views of the Government in other respects.

XXVII

Letter—from L. E. Buckley, Esq., I.C.S., Collector of the Nilgiris.
To—the Chief Secretary to Government.
Dated—the 11th January 1908.
No.—R. Dis. 34.

I have the honour to reply to G.O., No. 886, Public, dated 22nd November 1907.

2. I enclose copies of written replies from some of the gentlemen to whom I circulated the Government Order for an expression of opinion

3. My own opinion is that with a Legislative Council which is truly representative an Advisory Council should be unnecessary. The present elected members of the Council are not representative of all interests. They represent a class which is comparatively small. A native gentleman whom I consulted, who has a large stake in the country as an agriculturist, as an owner of house property, and as a commercial man remarked to me that most of the elected members represented no one but themselves, and sought election for the purpose of their own advancement.

4. Turning to the proposals for the enlargement of the Provincial Legislative Council, I think there is no doubt that while suitable representatives may be found by election for classes (*b*), (*c*), (*d*) and (*e*) and possibly (*f*), where the electorates will be comparatively small, and possessed of some cohesion, the elective system may not bring to the front representative men in the other classes. There are various reasons for this. One is already stated by the Government of India, viz., "Indian gentlemen of position sometimes refuse to offer themselves as candidates to a wide electorate, partly because they dislike canvassing and partly by reason of their reluctance to risk the indignity of being defeated by a rival candidate of inferior social status". An elected member of the Legislative Council once expressed to a mutual friend his contempt of the methods which an electioneering

compaign necessitates. Another reason is that some of the proposed electorates are composed of sections of as widely differing interests as the classes themselves. Will a member of the Carnatic family, a Mappilla of the West Coast or a Ravuttan of the South adequately represent the interests of the other two classes of Muhammadans? Will a C.M.S. Christian, an S.P.G. Christian, a Jesuit, a Baptist Christian or a Syrian Christian satisfactorily represent the other sections of Christianity? Is it possible with widely scattered electorates possessing such varying interests, to secure representatives of value? If the elective principle is adhered to the only alternative is territorial representation, which will fail to an equal or probably to an even greater extent in securing really representative men. I am therefore led to the conclusion that except for classes (*b*), (*c*), (*d*), (*e*), (*f*) and for four seats out of the six allotted for class (*j*) (which I would retain for representatives of Municipal Councils and District Boards), appointment to the Council should be by nomination. I realise that a nomination system is not perfect but I believe it open to less objections than election on the proposed lines. My proposal would place seven seats at the disposal of His Excellency the Governor, and in allotting them, the cultivator, the commercial man and the tradesman should not be overlooked.

5. I offer a few criticisms on the details of the present proposal—

(*a*) It is not clear why solicitors and attorneys are omitted from class (*d*).

(*b*) If the payment of income-tax upon a certain sum gives a vote, persons will purchase votes by returning an income which they do not derive.

(*c*) Property qualifications should carry more weight than literary attainments, and literate qualifications should not be insisted on in the case of persons representating cultivation, commerce or trade.

XXVIII

Letter—from J. G. D. Partridge, Esq., I.C.S., Collector of Ganjám.
To—the Chief Secretary to Government.
Dated—Chatrapur, the 17th January 1908.
No.—D. Dis. 178-Ver.

I have the honour to state that, as directed in G.O., No. 886, dated 22nd November 1907, I have consulted the following zamindars and other leading persons in this district as to the proposals contained in the Memorandum attached to that order:—

1. The Raja of Kallikota and Atagada.
2. The Zamindar of Dhárákóta.
3. ,, of Peddakimedi.
4. ,, of Serugada.
5. ,, of Bodogodo.
6. ,, of Surangi.
7. M.R.Ry. Rao Bahadur T. V. Sivarao Pantulu Garu.
8. ,, Tadepalli Venkatakrishnayya Pantulu Garu.
9. ,, G. V. Raghavarao Pantulu Garu.
10. ,, T. V. Kondalarao Pantulu Garu.
11. ,, N. V. Ranganadham Pantulu Garu.
12. ,, D. V. Ramayya Pantulu Garu.
13. M.R.Ry. William Venkataramiah Garu.
14. ,, Nalam Bhimaraju Setti Garu.
15. ,, Hari Hara Panda Garu, Pleader at Aska.
16. ,, Abd-ul-ghafúr Sáhib Garu.
17. ,, J. Ramayya Pantulu Garu.
18. ,, A. Gurumurti Nayudu Garu (retired Deputy Collector).
19. ,, E. Seetharamarao Nayudu Garu, Deputy Collector.
20. F. J. V. Minchin, Esq., Aska.
21. Chairman, Municipal Council, Chicacole.
22. ,, ,, Parlákimedi.
23. M.R.Ry. A. Parusarama Patro Garu.

2. Replies have been received from all the gentlemen referred to except two (Nos. 12 and 19) and I have the honour to forward them.

3. Referring to paragraph 1 of the memorandum, I have great doubts whether an Imperial Advisory Council consisting of about 60 members, of whom twenty are ruling chiefs, could be consulted by the Government of India collectively in the manner described in paragraphs 4 and 5 of the Home Secretary's letter, dated 24th August 1907.

4. I do not understand why some of the ruling chiefs should be consulted on measures which the Government of India may think of introducing, or if it is desired that their personal opinions and advice should be obtained, why it is necessary to include them in the Council for the whole of India.

5. The object of the Government of India, as detailed in paragraph 5 of the letter in stipulating that the proceedings of the Council should be private, informal and confidential, is that there should be a frank interchange of opinion between the members, but I venture to think that this is opposed to the spirit of the times, that the discussion could hardly be practically kept secret, and that the members of the Council would prefer that their meetings should be public. In addition to this I consider that it would be very inconvenient for a large number of leading men to assemble at one place even once a year, and that there is no necessity for a meeting, if the Government's object is to obtain the individual opinions of the members.

6. I consider that the members of the Imperial Council might be consulted confidentially in writing and that they may be selected for a period of five years.

7. With regard to the selection of members for this body, which will be of the highest rank, it would, at first, I believe, be desirable that gentlemen of good education and position should be selected by the Government in each province according to the population. For instance, Bengal might furnish six members, Madras four, and so on, and that if possible some of the members should be retired Judges or executive officers who would be most willing to devote their time to the service.

It would be impossible to define the subjects which might be referred to this body, but if any subjects of great importance are likely to be brought forward before the Legislative Councils, the members of the Imperial Advisory Council may be first consulted. I think that a title should be bestowed on the members, perhaps after a certain period of membership, as the appointment will be of course honorary.

8. Regarding a Provincial Advisory Council, I beg to observe that it would be advisable that if their opinion is sought collectively the meeting should be open to the public. The members could at any time be consulted confidentially in writing, and I see no reason why a meeting should be held privately. The members may be selected by Government from the leading members of society in all branches.

Five landholders with an income of Rs. 5,000.
Five traders paying income-tax on an income of Rs. 10,000 and upwards.
Five professional men.
Five retired Judges or Pleaders.
Three retired officers.
Two Presidents or Vice-Presidents of District Boards.

9. I think that the appointment of members should be for a period of three years, and that they should be eligible for renomination for a period not exceeding nine years altogether.

10. With regard to their functions, I have no suggestions to offer, but I think that no important State measures should be formulated, except in the case great emergency, without consulting the members of this Council.

11. *Paragraph* 3 *of the Memorandum.*—In the scheme outlined in paragraph 12 of the Government of India's letter, the Government suggest that Imperial Legislative Council should consist of 18 elected members out of 53. It is clear that the provision of seven elected members of the land-owning class is intended to counterbalance the preponderance of legal members which might ensue if the non-official members of each of the Provincial Councils elected two instead of one

member. I fully agree with the principle that the land-owners should be represented in the Imperial Council, but I think that this could be effected more easily and safely by permitting the local Legislative Council (non-official) to elect a land-owner, who should have a fair income, but not necessarily Rs. 10,000 a year and upwards.

In some districts there are, I believe, highly educated and capable land-owners who would be excluded from the Imperial Council, merely by the accident of birth. One man might have an income of Rs. 7,000 a year and be in every way suitable while another with a lakh income might be undesirable. I would therefore venture to suggest that the local Legislative Council members may be given the option to elect two members, one of whom should be a landowner with a rental of Rs. 5,000 per annum. If the basis of representation is broadened, I consider that a larger number of well-qualified men would have seats on the Imperial Council than if the proposal contained in paragraph 12 (2) were adopted.

12. I consider that all the Chambers of Commerce might be represented in turns if two members are selected biennially in the method suggested.

13. As to the election of two members by Muhammadans who will be granted votes—and the qualification for voting—I think it would be preferable to select Muhammadans of good status, and that an electoral body for the whole of the Madras Presidency would not form a good constituency.

14. *Paragraph 6 of the Memorandum.*—A radical change has been proposed in the selection of representatives for the Provincial Legislative Council. Instead of representation by territorial divisions a system of representation by class or caste has been suggested with the object of avoiding the undue preponderance of any class. I find that amongst the non-official gentlemen and others who have been consulted there are extremely strong objections to this classification. Apart from the objections which are most forcibly expressed, I think that there is not the least necessity to reserve electoral seats for—

(1) The Senate of the University.
(2) Barristers.
(3) Zamindars and Proprietors.
(4) People of Madras.
(5) Brahmans.
(6) Muhammadans.
(7) Christians.
(8) Other persons.

15. What is required is that the Government should nominate a certain number to represent minorities, after districts, or towns have elected members. It will be always easy to prevent undue representation of one class by not allowing a group of districts to elect more than a certain proportion of one class. If the four north districts in Madras had the right of electing two members, the Government could decide that not more than one of the two seats could be held by a lawyer.

I think that electoral bodies formed of voters living in Ganjám, Nellore, Tinnevelly and Malabar would be utterly unwieldy and that an immense amount of labour would be involved in devising an impracticable electorate.

16. (*a*) I consider that all graduates of five years' standing should be entitled to a vote.

(*b*) All retired officers drawing a pension of not less than Rs. 50.
(*c*) All persons paying income-tax on Rs. 2,000 and upwards.
(*d*) All Government officials with salaries of Rs. 100 and upwards.
(*e*) All land-owners and tenants paying Rs. 250 and upwards either to Government or a landlord.

To prevent the possibility of persons of inferior rank or position being elected as members, the qualification for a member should be an income of at least Rs. 4,000 per annum and should own a certain amount of land. The liberal professions and landlords will be fully represented in this manner and there will be no complaint whatever from any section of the community.

17. In order to prevent delay or excessive trouble to Land Revenue officers in preparing voters' lists, special officers should be appointed to investigate claims for votes in each taluk—and all those who wish to be registered as voters should do so in one month in a year. In this way I think those who desire the privilege of electing a member, who must be a resident of the district or local area represented, will be enabled to register their names easily and the elections should also be held at the same centres.

ENCLOSURE No. (1).

Letter—from the Zamindar of Vizianagram *alias* Bodakimidy.
To—the Collector of Ganjám.
Dated—Digupudi, the 12th January 1908.
No.—B. 18.

With reference to the copy of G.O., No. 886, Public, dated 22nd November 1907, forwarded with your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to state that the scheme suggested by Government for Provincial Legislative Council gives 17 members instead of 11 now existing and gives representation to certain castes, religions and professions in addition to votes for the University, Madras citizens and Chambers of Commerce. As the people of 22 districts which are to be increased to 24 in the near future consisting of a population of nearly 38 millions are to be represented I would suggest that every district should be represented by one selected member and the zamindars by five, the Chambers of Commerce and the City of Madras, each by one. And as for the minorities such as Muhammadans, Indian Christians, and other religions or interests, the Government might reserve to itself the power to nominate six members, of whom there must necessarily be a Muhammadan, an Indian Christian and an Uriya. The official members including the Governor and two members of the Executive Council may be increased to 37. If it inconveniences and hampers the work of Government to spare a large number of officials from outside the Presidency town, as per the above proposal, I would suggest that this difficulty may be overcome by increasing the number of official members from 13 to 19 and giving each vote of an official the value of two votes. If the Government is not prepared to give one member for each district, I suggest that one at least for each of two adjoining districts may be given for the present, as each district has its own peculiarities, diversity of thoughts and feelings, customs and habits, and as it is impossible for a handful of representatives to make an adequate and careful study of the multiplicity of the conditions that exist in each of the districts. I need give here no reasons for suggesting five seats for the zamindars as the Government themselves recognized the importance of their presence in larger numbers on the Council.

2. As for the Imperial Legislative Council I would suggest as follows :—

(*a*) The maximum strength of the Council might be 53 or including the Viceroy 54.
(*b*) This number might be made up thus—

(1)	Ex-officio the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla). The Commander-in-Chief and the Members of the Executive Council	8
(2)	Additional officials to be nominated not exceeding	18
(3)	Elected members—	
	(i) By Chambers of Commerce of Calcutta and Bombay ..	2
	(ii) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma ..	14
	(iii) By the nobles and great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	7
	(iv) Non-officials nominated by the Viceroy to represent minorities or special interests, etc.	4
	Total ..	53
	Or including Presidency of the Viceroy	1
	Total ..	54

3. As for the Advisory Councils I think that unless some legislative recognition is given they will not be of much use. I suggest that the function of consultative bodies be added to the Legislative Councils and the members thereof be consulted on all important matters on which it is now proposed, in order to take the position of the Advisory Boards.

I further suggest that in the first instance persons who have got both literate and property qualifications should be selected to be registered as voters. And if this cannot be found practicable I would like to suggest that at least a minority of the members ought to be literate.

ENCLOSURE No. (2).

Letter—from the Zamindar of Serugada.
To—the Collector of Ganjám.
Dated—the 11th January 1908.

I have the honour to state hereunder my view in regard to G.O., No. 886, dated 22nd November 1907.

I must thank the Government for recognizing the zamindars and other landholders as a body representing the landed interests. One seat is hardly sufficient; I should like one seat to be given to the Landholders' Association which is an important body and deserves recognition similar to the Chamber of Commerce. Two seats should be allotted to the landholding class so as to secure representation of inam and other landed tenures.

2. The division based on race or caste is very undesirable. I think, on the whole, one member should be allowed for every two districts.

ENCLOSURE No. (3).

Letter—from the Raja of Kallikote and Atagada estates.
To—the Collector of Ganjám.
Dated—the 9th January 1908.
No.—62.

With reference to the referendum of the Government of Madras regarding the Government of India's proposals for the formation of Advisory Councils and the enlargement of the Legislative Councils sent me with your R.G.B. No. 1119-Ver., dated the 12th December 1907, for my opinion on certain points raised therein, I have the honour to state as follows:—

(1) That the policy of the Government in the formation of Advisory Councils consisting of the ruling chiefs, landholding and commercial classes, representing as they do the most stable element of Indian society, is a very sound one, and will undoubtedly popularise the administration and be a medium for diffusing correct information regarding the measures and motives of Government, which at times are likely to be viewed with suspicion, and very often misunderstood.

(2) There is nothing much to say with regard to the constitution of the Imperial and Provincial Advisory Councils as laid down in Government of India's circular, I would however suggest that the members of these Councils should not only be asked to give their opinion when required, but should also be empowered to initiate suggestions of their own on important questions of public interest; (*b*) moreover I would suggest that eventually if these councils are found to fulfil what they are intended to be, mediums for obtaining and diffusing correct information, they may, with proper safeguards, be given some legal constitution; (*c*) the Councils should meet as a body once or more in the year, not only with the object of discussing important subjects, but to be in touch with one another, and at these meetings any proposed reform or measure that does not meet with the approval of the majority of the members, should either be dropped or postponed for further consideration, as it will not create confidence if the Council is consulted and its advice flouted; (*d*) a certain proportion of the members should be elected by the different provinces.

(3) The Imperial and local Legislative Councils should have the representatives of zamindars proper, as apart from ryots and landowners, and they should be chosen by election, it is obvious that the land-owners contemplated must include ryots under Government, and these cannot but look at things from a standpoint dissimilar to landholders.

(4) That the Imperial Legislative Council should have one zamindari representative for the Presidency elected from amongst the landholders of prescribed qualifications, and the local Legislative Council should have two representatives, one elected by the whole body of landholders and the other by the Landholders' Association, as a selection by this latter body, representing as they do the landed aristocracy, will ensure the best qualified member being chosen.

(5) That the qualification for persons entitled to vote for the zamindari representative in the Imperial as well as the local Legislative Councils should be a payment of peishkash of Rs. 10,000 or land-cess calculated on an annual rent value of Rs. 25,000.

(6) That the representation of castes and creeds, that stands out as one of the most prominent features of the scheme is objectionable in principle, should however it be adopted I should like to represent that one seat should specially be reserved for Uriyas, who form a majority in this district, besides occupying a portion of the Vizagapatam district, and numbering nearly two millions. If it is found that the Muhammadans who are scattered over the Presidency and forming only a minority deserve special consideration, the Uriyas, who occupy a defined portion of the Presidency and are a race distinct in themselves and differ in many ways from the Telugus and Tamilians, who form the major portion of the Presidency, certainly deserve more consideration.

ENCLOSURE No. (4).

Letter—from the Zamindar of Dhárákóta.
To—the Collector of Ganjám.
Dated—the 3rd January 1908.
No.—B. 1.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, forwarding a copy of G.O., No. 886, Public, dated 22nd November 1907, for my opinion on the proposed scheme of Advisory Councils, I have the honour to state as follows.

In clause (*c*), paragraph 22, of the circular letter of the Government of India, No. 2310, dated 24th August 1907, and in the proposed scheme of the local Government regarding the formation of Advisory Councils and enlargement of Legislative Councils, it is wisely suggested by the Government of India that minorities are often crowded out by the predominent section of the population and that, therefore, electorates should be formed by the principle of racial representation. With this object in view the Government of India and the local Government have specified the Muhammadans as deserving special nomination. The reasons which have induced the Government to grant a special franchise to the Muhammadans apply equally if not with greater force to the Uriya-speaking race, living in the northern portion of the Presidency, occupying nearly three-fourths of Ganjám and the Jeypore Agency of the Vizagapatam district, numbering in all nearly 17 lakhs and standing out as a district factor in the population of the province. But, nevertheless, they form only an important minority, liable to be crowded out by the predominant races, *i.e.*, the Tamilians and the Telugus, and also liable to be neglected as a foreign unit. Considering the nature of the conditions prevalent in the Uriya-speaking tracts of the Presidency regarding their social, linguistic and ethnological peculiarities, it is absolutely necessary that the Uriyas may be accorded the same treatment as the Muhammadans in matter of granting franchise. If Muhammadans, scattered over the whole Presidency, are allowed a seat in the Council, the Uriyas who occupy a definite portion of the Presidency deserve at least one seat reserved from them.

In paragraph 22, the Government of India observe, "it would be well to consider whether in view of the constitution of Indian society it would not be advisable to introduce a system for the representation of classes now liable to be crowded out by any predominant section of the population as in the case of Muhammadans". This principle does not seem to have been taken into account by the local Government while proposing the scheme, as it has not taken the ethnological principle in dividing the population.

Referring to paragraph 2 of your letter quoted above, asking my opinion on clause (*e*) of the scheme, I have the honour to suggest that the zamindari class should, instead of being divided between the northern and the southern districts, be divided into those forming the Madras Landholders' Association and those that do not belong to it.

With regard to the other clauses of the letter and the scheme, I have nothing to add.

ENCLOSURE No. (5).

Letter—from the Zamindar of Bodogodo.
To—the Collector of Ganjám.
Dated—the 12th January 1908.
No.—B. 7.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to inform you that I have no special suggestions to make excepting the following few lines :—

(1) In my opinion there should be only one Provincial Advisory Council for the whole Presidency composing of one member from each district. Separate Advisory Council for each district not necessary as the Collector can gather all the necessary information concerning his district during his tour from the largest landlord to the smallest ryot.

(2) It will be advisable to select two members from the landed aristocracy, than to get them to select two members by votes, to the Legislative Council.

(3) If it is decided to select members for both the Advisory Council and the Legislative Council by votes, I have no objection.

(4) I have no intention of standing for either of the Councils for a period of five years.

ENCLOSURE No. (6).

Letter—from the Zamindar of Surangi.
To—the Collector of Ganjám.
Dated—Ichchhápuram, the 15th January 1908.
No.—4.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to submit the following opinion on the Government referendum regarding the Advisory Councils and enlargement of Legislative Councils. I am fully in accord with the idea that the landed aristocracy of India who possess stable interests in the country and who are leaders and heads of vast populations under the British suzerainty should be called together in times of need to advise the Government on important administrative questions. The formation of Imperial and Provincial Advisory Councils is a step in the right direction and infuses confidence into the people and secures the co-operation of the more important classes. While acknowledging the benefit that is likely to accrue, by the formation of these Councils, I may be permitted to observe that these Councils would be more beneficial and fruitful if the Government should invest them with some powers and status and accord Legislative sanction to them. As regards the Provincial Legislative Council I am of opinion that the number of seats for landholders and zamindars may be raised from two to four and that the property qualification may be reduced from Rs. 20,000 to Rs. 10,000 in the case of zamindars paying peshkash or land revenue inclusive of land-cess which is recoverable by Government as land revenue. In that case, a larger number of landholders and zamindars will be eligible for election. I am not in favour of allotting a separate seat for Brahmans as they do not form a separate class with separate interests. Their interests are identical with those of the other Hindus and there is no reason why they should be treated as a separate class. So far as this district goes, I may suggest that the Uriyas may be provided with a seat as their interests cannot adequately be safeguarded by the other communities of this Presidency.

With regard to clause (*e*) to which special attention is drawn in your letter, I see no reason to apprehend that the difficulties in arranging for voting would be insurmountable.

ENCLOSURE No. (7).

Letter—from the Chairman, Municipal Council, Parlákimedi.
To—the Collector of Ganjám.
Dated—January 1908.
No.—25.

With reference to your R.G.B. No. 1119/1907, dated 12th December 1907, I have the honour to submit herewith the following my free and candid opinion in regard to certain important points raised in the letter of the Government of India and the memorandum of the Madras Government.

Imperial Advisory Council.—If the object of Government in establishing an Imperial Advisory Council be to secure opinion on measures in contemplation and to diffuse correct information upon the acts, intentions and objects of Government, it is highly doubtful if an advisory body consisting chiefly of chiefs and territorial magnates can in any way help in the realization of this object. The education which most of them have received is generally not of a standard as to render them fit to act as Councillors of the Empire. The exalted position which they occupy in society will inevitably stand in their way of being useful interpreters of the Government and real representatives of the people. Of course, I do not, for a moment, mean that there should be no ruling chiefs and territorial magnates in the Council. What I wish to urge is that the Council, in order to be a healthy useful body, must be made up largely of educated men who enjoy the confidence of the Government and have credit with the people.

Provincial Advisory Council.—As to Provincial Advisory Councils, the scheme as outlined by the Government of India leaves little or nothing to be desired. There is indeed ample scope to make them sufficiently representative. Only the Provincial Governments will have to select the best men available, that is to say, in other words, they should not allow themselves to be in any way influenced by the hollow professions of loyalty and the mad howlings of "swaraj," which have been so much in evidence of late.

Coming to Madras, I am inclined to think that the suggestion of the Local Government to fix the number of their advisors at 25 is a reasonable one; and I would have the Council constituted thus:—

Zamindars	4	An Uriya, a Telugu, a Tamil zamindar and one of Malabar.
Landed proprietors	3	
Pleaders	5	Such as Mr. Nayapati Subba Row Pantulu of Rajahmundry and Digumurti Venkata Ramayya Pantulu of Berhampur.
Medical profession	2	
Estate Diwans or Managers (retired or still in service).	3	Such as Diwan Bahadur R. Raghunatha Row, etc.
Non-official Europeans	2	
Muhammadans	2	
Mercantile and industrial classes ..	2	
Missionaries	2	
Total ..	25	

Imperial Legislative Council.—One thing that calls for remark in this connection is the proposed creation of a separate electorate for the landed aristocracy of the country. It is highly doubtful if a separate constituency would be feasible or rather possible at all. If fair and reasonable representation for them is thought necessary, the best way of ensuring it would be by *nomination*. Another point which deserves more than passing notice is this:

When two seats have been exclusively allotted to the Muhammadans and when there is every likelihood of the Provincial Councils returning one or two Muhammadan representatives, I do not quite see why not less than two of the non-officials to be nominated by the Viceroy to represent minorities and special interests, should be Muhammadans again.

Madras Legislative Council.—Of all the proposals embodied in the Government Order under reference, what appears to me to be most curious is the scheme suggested by the Madras Government for the expansion of their Legislative Council. The first question I feel inclined to ask is, why the existing electorates are proposed to be abolished. If the object be to exclude lawyers in pursuance of the remarks contained in paragraph 9 of the letter of the Government of India, a more unwise policy cannot be conceived. It is admitted on all hands that besides the schoolmasters, the lawyers alone can offer independent and intelligent advice on all legislative matters. It is simply preposterous to expect such useful advice from members with high property qualifications. I may observe here parenthetically that if the District Boards and Municipalities have failed to return landholders to the Legislative Council, it was not the fault of these local bodies nor of the elective system either. In matters of such grave importance, the question ought to be not "*who* will enjoy the privilege" but "how real representation can be obtained."

The next question is why the Barristers, Advocates, etc., should be given a separate seat on the Council. They do not represent a class of interests distinct from those of other elements of the community.

The third question is why Government should seek to base representation on caste and religion. So far I can see, there is no likelihood of any caste or religious questions ever coming up for discussion in the Legislative Council. I do not grude Government providing special representation for the Muhammadans. But the allotment of seats to Brahmans and Christians is what passes my comprehension.

As to the formation of a separate constituency of the landholders of the Presidency, the less said about it, the better.

If the Government really want to expand their Legislative Council to ensure proper representation, the best thing that they can do is to leave the existing electorates as they are, not to insist on property qualification and to constitute the Council in somewnat the following manner:—

The Mofussil Municipalities	2
The District Boards	2
Madras Corporation	1
The Chamber of Commerce	1
The Senate of the University	1
Muhammadans	1
The Landholders' Association	1
Nominated Non-officials.	
Uriya, Telugu, Tamil zamindars and janmis of Malabar	4
Planters	1
Native industries and commerce	1
Minorities	2
	17

A Council thus made up will not only represent the best interests of the country but also provide a suitable counterpoise to the probable influence of the lawyers—a result which the Government are so anxious to secure by depriving the mufassal Municipalities and District Boards of their long-enjoyed privilege.

ENCLOSURE No. (8).

Letter—from M.R.Ry. JAYANTI RAMAYYA PANTULU Garu, B.A., B.L., General Deputy Collector, Goomsur division.
To—the Collector of Ganjám.
Dated—Russellkonda, the 14th January 1908.

In reference to your R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to submit my opinion on the Madras scheme for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. *Provincial Advisory Council.*—This is intended to be a sort of Privy Council on which the Government can rely for an intelligent and sober expression of public opinion regarding important measures of administration and also to correctly interpret to the people the aims and intentions to Government in regard to those measures. The members of this Council should be well educated and in touch with the people.

Special interests such as those of large landholders and mercantile classes will have also to be provided for. Exclusive of members representing special interests, there may be one member for each district. The appointment should be by selection on the recommendation of local officers and of such associations or other public bodies as the Government may consider fit to consult. In making the selection care will have to be taken that all important shades of public opinion are represented in the Council. Members should, I think, hold office for three years and be eligible for re-appointment.

3. *Imperial Advisory Council.*—I do not feel competent to offer any suggestions on this point.

4. *Provincial Legislative Council.*—I approve of giving special representation to the following communities and institutions, viz., the zamindars, the Madras Chamber of Commerce, the Senate of the Madras University, the City of Madras, the Muhammadans and the Native Christians ; but I think the last two communities should have two representatives each instead of one provided for in the Government memorandum. Excluding these special seats, I am of opinion that there should be one seat for each district and, if it be impossible to provide so many, at least one sent for every two districts. Considering the largeness of the Madras districts I am strongly of opinion that one seat for a whole district is not too much. I think these seats should be thrown open to general election. There is a strong feeling among educated classes against election by castes and classes and such a system cannot, it seems to me, be worked satisfactorily. No doubt caste rules in religious and also to some extent in social matters, but it ought not to be allowed to invade the province of public administration. Moreover, the tendency of the times is to loosen the bonds of caste. The caste of Muhammadans and Christians stands apart. It may be that, for some time to come, some classes of persons will be returned to the Council in large numbers than their numerical proportion to the entire community entitles them to, but the disproportion will disappear as education spreads and the people understand their rights. For this purpose it is desirable that the territorial unit of the electorate should be small so that the electors may take an intelligent interest in the elections and have some personal knowledge of the candidates. A smaller electorate will induce more candidates to complete than a larger one. Considering all things, I think the district may be constituted the unit for elections.

5. As regards the qualifications of electors, I think the property qualification may be fixed at an annual income of Rs. 2,000 from land or a profession. If the electorals is to consist of two districts, this limit will have to be doubled. All electors should be able to read and write in the vernacular. I think all graduates of not less than five years' standing may be allowed to vote irrespective of the property qualification. Retired gazetted officers should be eligible to vote as well as to be elected. This class of persons occupy a unique position. They have acquired great experience in the service of Government and are well acquainted with the intentions and methods of Government. At the same time, they are of the people and understand them. They are, therefore, peculiarly fitted to act as interpreters between the people and the Government. Subject to these views, I generally approve of the conditions laid down in clauses (*c*) and (*d*) of the Government memorandum.

6. In the case of Muhammadans and Christians whose electorates are spread over the whole Presidency, it will, I think, be desirable to divide the Presidency into a northern and a southern section, each section returning a member. Considering the smallness of the number of seats allotted to these two communities, I think they should be allowed to take part in the general elections along with the other communities.

7. To make up for inequalities arising under this system of election, the Governor in Council may reserve to himself the power of nominating five members without reference to caste or creed.

8. I consider it desirable to throw open a certain proportion of seats on the District and Taluk Boards for election, according to rules to be hereafter prescribed.

ENCLOSURE No. (9).

Letter—from M.R.Ry. T. VENKATAKRISHNAIYA, B.A., B.L., High Court Vakil, and landholder.
To—the Collector of Ganjám.
Dated—Berhampur, the 9th January 1908.

With reference to your letter No. 1119-Ver. of 1907, dated the 12th December 1907, I have the honour to report as follows :—

(i) I have been asked to express my free and candid opinion on the several points and questions raised in the enclosed G.O., No. 886, dated 22nd November 1907. I presume that what is required from me is that I am to state my opinion, not only upon the proposals of the Government of India, considered with the memorandum of the Government of Madras, but also as to what they should be in my view, for the achievement of the purpose mentioned, viz., "giving the people of India wider opportunities of expressing their views on administrative matters." It therefore becomes necessary that my opinion should include constructive as well as destructive criticism.

2. These proposals seem to have been framed mainly with a view to make adequate provision for the representation of classes which a generation ago had hardly been affected by the influence of education, but now have become qualified to take a more prominent part in public life by reason of the fact that during the last twenty years, they have profited greatly by the educational advantages offered under British rule. The object of the Government in taking this matter into their consideration, is, indeed, highly laudable and I think that any provision for satisfying the requirements of these classes will be a distinct step forward in the way of constitutional progress, so long as the other interests and obligations involved are not thereby allowed to suffer and the best interests of the country jeopardised.

3. It seems to me, therefore, that in judging these or any other proposals on the subject, three facts should be constantly borne in mind—

(i) The privilege of representation should be extended only to those classes that have, by the advantages of higher education, become competent to express their views on matters of practical administration. The fact that those classes possess a "material stake in the country and represent the most powerful and stable elements" of Indian society, is, undoubtedly, a great qualification in itself, but that does not, to my mind, materially affect the question; for, these merits they possessed half a century ago as now. Whether education has enabled them to exercise their powers of judgment, with insight and independence, on complicated matters of politics and administration is, in my opinion, the main test for determining whether they are fit to find a place in the Councils of the Empire.

(ii) Any provision for the safeguarding of these interests will be most unobjectionable provided that thereby the legitimate power and influence of classes that were educated for over half a century, is not reduced or neglected. The representation, in fact, should be measured proportionately to the intelligence and training the classes possessed.

(iii) The representation of all the various classes should be so brought about as not to injure the true interests of the country as a whole. Every care being taken that no arrangement entered upon will have the effect, however remote, of retarding its progress.

4. There are two main proposals underlying the scheme. The creation of Advisory Councils and the enlargement of the existing Legislative Councils, each proposal being capable of sub-division, according, as it deals with the central or the provincial Government. There is also a third proposal concerning the discussion of the budget in the Legislative Council.

5. *Advisory Councils.*—These Councils should, in the opinion of the Government of India, be organised with the principal object of supplying a means of free and close consultation for the purpose of "making their measures and motives generally understood and correcting erroneous and often mischievous statements of fact or purpose imputed to them." I may be permitted, before considering the organization and functions of these bodies, to refer to the statement with which paragraph 4 of the letter of the Government of India begins, "All Indian Governments and Administrative officers will continue the process of seeking the advice and eliciting the opinion on administrative measures and proposals for action, of those qualified to advise them." They say this "regular consultation" is the "indispensable foundation" upon which good administration is built up and is part of the necessary procedure of Government. It is indeed gratifying that the Government sets a high value on the opinions of qualified persons in all ranks of society and were it not that I feel that this apparent high regard and solicitude for public opinion is not everywhere translated into action and that what is here taken for granted, does not exist in fact in any large measure at any rate at certain local centres of administration, I should not refer to this subject at all. I am not competent to speak of what the Indian Governments have been doing in this direction; but with my experience of what is practised in a limited part of the mufassal, experience gained personally as well as on information, I must say that consultation by administrative officers of non-official persons is neither regularly nor widely done. I do not mean that these officers have not done what they *could* do. This is a different question, whether they could, under existing conditions, command the opportunities of seeking the advice and eliciting the opinions of the people's representatives.

I am only stating what is a fact. That which is considered the "indispensible foundation for good administration" is conspicuous by its absence; and I cannot help thinking that the Government might well have begun to lay, in the districts and taluks which form the floor and the first storey of the administrative edifice, the foundation which is "indispensable" for good administration by establishing and defining the methods which would ensure a regular, systematic and continued consultation of qualified persons on all important administrative matters.

6. The important points to be noted in the proposals on the subject of the Advisory Councils are these—

(i) The Imperial Council of about sixty members should include twenty ruling chiefs and a suitable number of territorial magnates, all to be appointed by the Viceroy.

(ii) They should receive no legislative recognition and should not be vested with formal powers.

(iii) Their functions should be purely advisory and they should deal only with such matters as may be specifically referred to them.

(iv) Their proceedings should be private, informal and confidential.

7. *Point* (i) (*a*).—I am strongly of opinion that no ruling chief should be made a member of the Advisory Council—which may or may not be consulted on all important matters—which may "occasionally" be called together "in whole or in part"—which possess no formal powers of initiative and whose opinions the Government will be at liberty to make any use of, that it thought proper. My reasons are these: It is not consistent with the dignity of a ruling chief to be asked to take part in an assembly practically with no powers and whose importance and weight will be what the individual Viceroy for the time being may choose to invest it with.

(*b*) It will be inconvenient and impolitic that ruling chiefs, with great responsibilities to the vast populations under their charge, should be called away from their States for consultative purposes at the behest of the Government of India. It should be unwise to place them on a par with the British subjects either for the purpose of consultation by letter, or during meetings held for the purpose of collective deliberation. It is also possible under this arrangement that among other members of the Council may be found a ruler and a subject of the same Native State. If so, to treat them or their opinions on equal terms may not exactly be gratifying to the sense of respect and regard which the ruler may feel is his due.

(*c*) Though it is a fact that there are measures which call for co-operation between the Native States and the British Government, such as famine-relief and education, on which the opinions of the rulers of the States may be valuable, there are numerous other administrative matters fit to be placed before the Councils on which the opinions of the ruling chiefs may not have the same or any value, such as, the military question, the suppression of sedition, the budget and so forth. Of course, on matters on which common interests exist, the ruling chiefs may and ought to be consulted with all the respect to which their opinion is entitled, but not, in my view, as members of an Advisory Council. Mr. Morley recently said that he contemplated taking such steps as would improve the position and enlarge the powers of the great ruling chiefs of India: and this object is not likely to be furthered by their being made members of a body with these extremely limited powers and depending upon the pleasure of the Government of India for opportunities to exercise them. Unless I am mistaken, the rulers are bound to resent this step which proceeds on a misconception of their high position as allies of the Government.

(*d*) Besides the ruling chiefs, the Imperial Advisory Council, according to Government, is only to consist of the territorial magnates of the provinces. I am inclined to think that from a body, such as this, weighty opinions, the result of independent thought, combined with large experience, cannot always be had. They will form a dull and inert body unless the Council is leavened by the presence therein of members representative of the different interests of the community, namely, commerce and industry, the other landholders and the professional classes. If, as seems the intention of the Government, the Council is to consist of a *select* body, then, the fixing of a fairly high qualification would, by admitting only men of status and position, produce the desired effect. Another point to be considered under this head is, that the members of this body are all to be nominated by the Viceroy. I am of opinion that if it is the object of the Government of India that their measures and motives should be understood by people and erroneous statements of fact or purpose imputed to them corrected, then, that object can be attained only, if the representatives of the people are permitted to associate with the Government for purposes of consultation or deliberation, that is to say, the people should be given the power of electing their men to represent them on the Council. Among big landowners there would be few educated enough to understand political questions of real importance and fewer still independent enough to oppose the official policy on behalf of the people. It is, moreover, a fact to be reckoned with that nominated persons generally feel that their power and prestige will be lost the moment they cease to be nominated and therefore put forth every effort to please the man who has the power to nominate them to continue being nominated. His advice is, therefore, likely to be more often than not, a mere confirmation of the official view. The Government have stated as one of the merits of this step that it is in accordance with the best traditions of oriental polity. May I remind them that it would more strictly accord with those traditions, if provision were made for more of the educated and learned classes being consulted. The oriental Sovereign respected, nay,

worshipped, more than any territorial magnate, the man who, poor in worldly goods, was rich in learning and wisdom. I think, therefore, that the people should be given the privilege of electing half the members on a fairly high franchise.

8. *Points* (ii) *and* (iii) (*a*).—These two may be considered together. I do not see what harm can result by recognising these bodies by legislation. Such recognition would invest them with a dignity and status which the Government could not, with levity, ignore, while certainly it would fill, with a greater sense of responsibility, those whose advice is sought.

(*b*) The Government propose that these bodies should not be vested with any formal powers that their functions should be purely advisory and that they should deal only with matters specifically referred to them. I quite agree that their functions should be merely advisory, for, to arm them with any other powers, may involve the risk of weakening the paramount British power in India, which the scheme does not contemplate; but without the smallest danger of diminishing the strength of the executive authority, I consider that these privileges may be extended to them—

(1) When two-thirds or more of the members propose a subject as one fit for the consideration of the Government, the Government should be bound to consider it.

(2) When three-fourths or more of the members are opposed to a measure, the Government must postpone putting it into operation for a period of six months to give the country an opportunity of expressing its views upon it.

(*c*) There should be some definition of the subjects to be laid before the Council.

(*d*) The Council should meet a fixed number of times yearly and every one of the members should be asked to state his opinion upon every subject brought up for consideration.

9. *Point* (iv) (*a*).—The proceedings of the Council should be "private, informal and confidential." The proceedings may be all this, while matters are being discussed and threshed out and no definite conclusion has been arrived at, then, however, the consideration of the subject has been concluded and a definite result arrived at, I think, the Government owe it to the country that the opinions of its leaders should invariably be published. There can be no excuse then after the deliberative stages are over for keeping them away from the public knowledge.

(*b*) I am not disposed to agree that only confidential communications will secure frank interchange of opinion. Where the advisors know that their opinions are not to be subjected to public criticism, their views will always tend to be such as would find favour with the Government, a feeling of answerability to whom alone will be developed, while the knowledge that their opinion will be judged and scrutinised by the public will induce greater care in its formation and lead to a fuller consideration of all the sides to a question. Personally, I hold the view that an opinion that cannot bear the light of day is not worth much.

(*c*) The Government provide for public conferences to make its motives, etc., better known; but we have been told that this is the principal object in creating these bodies. Public conferences may, therefore, invariably succeed private conclaves.

(*d*) My opinion on this point, therefore, is that though privacy may be necessary during the progress of deliberation, the public are entitled to know the individual opinion expressed after conclusions have been arrived at.

10. To the organization and function of the Provincial Advisory Councils the same considerations should apply. I quite agree that small landholders, industry and commerce and professional classes should be represented, only the property qualification should be fixed at a moderate level, for, among the big landholders and wealthy classes in India, the advantages of liberal education are still not adequately appreciated. Taking the number of Provincial Advisory Councillors to be twenty-five and the great landholders therein to number five, I would suggest that the smaller landholders whose income, I would fix at about Rs. 1,000 per annum, should have five seats, the professional classes not more than eight, and the industry, commerce and capital seven seats, of which not less than three should be reserved for Indians.

11. Unless some of the privileges to which I referred are vested in these bodies, I am afraid their creation would hardly deserve to be described "as a marked step in constitutional progress" (*vide* paragraph 4 of the Government of India's letter). It may amount to giving "clearer definition and continuity to methods already partially and occasionally adopted" which is entirely a different matter, though how far these methods have been already in use is a question on which there is likely to be a disparity of opinion.

12. To sum up my opinion on the constitution and work of the Advisory Councils—

(i) Government should define the methods which would ensure a regular and systematic consultation of qualified persons of all classes in the mufassal districts on all important administrative matters.

(ii) Ruling Chiefs should not be made members of any Advisory Councils and consulted as such.

(iii) Advisory Councils should be recognized by legislation should be given privileges of initiative and the weight of their collective opinion formally recognized.

(iv) There should be some definition of the subjects to be laid before these bodies.

(v) The Council should meet a fixed number of times a year (the minimum to be fixed) and every member should be consulted on all matters.

(vi) Though their proceedings may be private and informal, the opinions of the individual member should invariably be published after the deliberative stages are concluded.

(vii) Half the number of the members should be elected and in addition to territorial magnates, other interests should be represented.

13. *The Legislative Councils.*—In framing proposals for the enlargement of the Legislative Councils, the Government of India seem to have proceeded so as to give effect to three of their views—

(1) An official majority must be maintained.

(2) The "requisite counterpoise" should be supplied to the "excessive influence" of the professional classes, who, the Government think, are having a "virtual monopoly" of the power exercised by the Councils, by the creation of an additional electorate, recruited from the landed and monied classes.

(3) Territorial representation is unsuited to India where electorates must be so constituted as to make them representative of the different "classes and interests" of the community. With regard to the Provincial Councils, they say that the principle to be borne in mind is that the widest representation should be given to "classes, races and interests"; while they suggest that the local Governments should introduce into their systems of election and nomination, for the Municipal and Local Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided "by race, caste or religion."

14. I proceed to consider these views in their order.

(i) "The official majority must be maintained". Rather than this, I should have the Government express its view in the words "in legislation the official view must prevail." In effect, both come to the same thing but the amount of inconvenience and expense is immense indeed, which is a direct consequence of the notion that the official majority must be maintained. Now, where it is accepted by all and prearranged that the official view must prevail to provide for a majority of official votes, by making the number of official members preponderate over that of the other members is nothing more or less than contributing to a farce; as Diwan Bahadur R. Raghunadha Rao says, "no principle, wisdom or necessity is involved in the cry for official majority." It is accepted by all that the official view should prevail; well then, why not make other provisions for bringing about that end than the costly and inconvenient formality of the official majority. Why should not, in cases where the Government fail, to command a majority, power be taken to carry out the views of the minority, the responsibility for the procedure being placed on Government? or as some one else suggested, why not voting be dispensed with altogether? I think that, in the name of commonsense and business, either of the courses may be adopted. It would result in considerable saving of expenditure to the country. It would relieve important officers of Government from attendance at the Council, where they are to sit ready to perform the function of holding up hands, when called upon by Government to do so. It would relieve the people and the administration from the dislocation of public business, which is the necessary consequence of the frequent absence for more or less long periods of permanent officers from their place of business. I say, therefore, there is no need to maintain the official majority and if this is recognized, the limits would become wide within which due representation to all interests could be provided for.

(ii) "The requisite counterpoise should be supplied to the excessive influence of the professional classes by the creation of an additional electorate recruited from the monied and landed classes." No one would, I take it, object to a measure of representation for the landed and monied interests proportioned to their education, trained intelligence and capacity to advocate the cause of their class; and I truly wish that the Government had proceeded in that direction without casting unnecessary and unfounded reflections on the professional classes, who, to be sure, deserved better at their hands. Time and again, the meritorious work of the representatives of these classes, who formed and still form the bulk of the educated community in this country, was recognised by successive Viceroys and Provincial Governors. These classes were the first to imbibe the fruits of western learning and are, therefore, the first non-officials to enter the field of legislation, where to the best of their lights, they espoused the cause not only of the classes to which they belong but also to the monied and landed classes, if, indeed, the two are different. I am sure, the latter classes themselves will be the first to testify to the good work done by their educated countrymen. During the last generation, the Governments of the country had on the legislative anvil bills of which, I think, more than half the number were those that affected the rights and interests of these classes. Can the Government or the people say that the non-official members then failed to adequately discharge the trust reposed in them? The Government of India's letter speaks of the virtual monopoly and excessive influence of these men. What is there to support these accusations? An array of figures is quoted. Figures may, to a superficial observer, be made to prove anything. Considering the comparative advance education has made in the various classes the figures, to my mind, prove and conclusively prove, that far from exercising a monopoly or anything of the sort, they obtained no more places than was their due and wielded no other influence than what they were legitimately entitled to. It seems to me somewhat odd, that the educated classes, who had proved true to their trust at a time when the Government set itself to depress the landowners, should now be revived by the Government, as having enjoyed excessive influence. The reasons, perhaps, are not far to seek. Is it because the educated classes are more insistent in their demands for political rights? Is it because they prove rather troublesome with their western notions of liberty, which notions they threaten to put into the heads of their less educated countrymen? I believe it is the case in every Government that the educated classes are given wide representation and I do not suppose that there was a cry elsewhere, that their influence had been excessive, for, who also are fit to help the people than the lawyers, who are most free to express their opinion, and by virtue of their

knowledge of law are best qualified to take part in legislation; and the schoolmasters, who have received the benefit of liberal education. It cannot also be overlooked that, in India, most of the lawyers and many of the schoolmasters are themselves fairly good landholders or monied men and there is not therefore the absence of a community of interests between the educated and landed and monied classes here that may exist elsewhere. My opinion, therefore, is, that while there can be no objection to giving the landed and monied classes the measure of representation that is now their due, the Government is ill-advised in imagining that a conflict of interests exists between them and the professional classes and that an attempt should be made to put down the influence of the latter, which has never been other than wholesome and legitimate and intelligently and faithfully exercised on behalf of all.

(iii) I come now to deal with the last of the three views of the Government of India on which are constructed their proposals for the enlargement of the Legislative Councils, viz., "territorial representation being unsuited to India electorates must be so constituted as to make them representative of the different classes and interests of the community."

15. This expression of opinion opens up a question on which much might be written. It deals with a matter which is fraught with the most far-reaching consequences to the country. The Government speaks of "classes and interests" in one place, of "classes, races and interests" in another, and "race, caste and religion" in the third. I cannot help feeling that there had been greater uniformity of expression used, unless indeed the words were advisedly used. In framing proposals for the creation of electorates to the Legislative Council, and other bodies exercising the functions of local self-government, the Government is desirous that classes, interests, races, castes and religion should be recognised. Why should all these, I beg to ask, be represented unless for the purpose of public work, they are separated by different and conflicting interests requiring separate advocacy and support. What matters it whether a man is a Brahmin or non-Brahmin so long as, for the purpose of public functions he is to discharge, he is not divided in interest from members of the classes other than his own?

16. It is, I believe, confirmed by everybody's experience that where separate representatives are provided for classes which are all but identical in interests, that very fact is certain to bring about a conflict of interests be they real or be they imaginary; it is a case of the devil in the man thirsting for some work for idle hands to do. Where there is union and no division, divided interests will be created and fostered for, how else are these representatives, supposed to stand for different interests, to justify their existence.

17. The feeling of dividedness that has of late come into prominence, between the Hindus and the Muhammadans is a case in point, and if a similar policy is pursued in respect to other classes as outlined in the scheme of the Madras Government, we shall soon have the demon of racial animosity between Brahmins and non-Brahmins, between Hindus and Christians, now happily lulled to sleep, all awake and alert.

18. The principle to be recognized in my opinion is: territorial representation when you can have it, and class representation when you must have it, but adequate and true representation of the people always. I firmly believe that the Government of the country must in the interests of the people and of good Government do their utmost to teach the people to accustom and adopt themselves to territorial representation, nor do I think that it will prove such a hard task after all, for it cannot be denied that there always has existed in the minds of the masses a spirit of attachment to the locality, a feeling of local patriotism, far stronger and more highly developed, if you come to look into it deeply than the racial, caste or class spirit. The village panchayet system was an instance of an institution capable of serving the interests of people, uninfluenced by considerations of caste or race, and there are traces of similar other instances of village corporate life which, alas, has been almost smothered out of existence under the weight of western methods of administration.

19. Sir Bampfylde Fuller has recently referred, in his article in the Nineteenth Century, to what is really the feeling of nationality existing in the minds of people, capable in the hands of sympathetic rulers, of being turned to good account. "Generally," he says, "it may be taken that a spirit of local catholicism is alive and increasing": and he is very right. I can only pray that the Government will realise its heavy responsibility in this matter, and that they will take no step likely to have the effect of choking or killing this spirit. To use Sir Bampfylde's words again, "the problem before us is to invigorate the character of the people and stimulate the growth of a collective spirit, which would gradually dissolve, the antipathies of caste and animate social reform." And surely, you cannot, remaining true and faithful to your trust, approach the solution of this momentous problem, by the creation of representation based on the differences of caste, race and religion, differences which, as far as may be, ought to be kept out of sight in the conduct of public affairs.

20. I shall now refer to a few of the outstanding features of these proposals on Legislative Councils—

(i) (*a*) In paragraph 14 of their letter, the Government of India propose that the revenue giving the right to vote should not be less than Rs. 10,000 a year; and the Government of Madras in their Memorandum, paragraph 6, clause (*d*) (ii), suggest that no person should be registered under class (*e*) of their scheme unless he pays peshkash or land revenue to the Government amounting to Rs. 20,000 or pays land cess to local boards calculated on an annual rent of Rs. 50,000. I am of opinion that these property qualifications are unduly high. In a country where the average annual income per head on the most optimistic official estimate is not more than Rs. 30, to fix the incomes which would entitle landholders to take part in voting

or as members of the Councils at such high figures, will have the effect of shutting out almost all the richer middle classes from sharing in these privileges. Proposals which, at this time of the day, do not include even the richer middle classes can hardly be said to be reforming; they become retrograde. Furthermore, the Government owes it to the middle class landholders to give them a fairly substantial representation in all Councils, considering that a large amount of the land revenue of the Government is derived from the whole village Inamdars and Jeroyati ryots.

(*b*) It is also necessary here to controvert the correctness of the surmise of the Government of India that the great landholders would also represent the interest of the small landholders. I am inclined to the view that the converse proposition would be nearer the truth. It is still the case that generally the great landholders are the least educated. It would be idle to expect them to represent others, who, very often, will be more highly educated than themselves. My opinion, therefore, is—

(*a*) the right of voting should be extended to all landholders with an annual income of Rs. 5,000;
(*b*) that in Madras, the zamindari class should have only one representative;
(*c*) a fresh class of middle class landholders should be created to include all with an income of Rs. 10,000 and upwards.

With regard to the difficulty of voting for members of class (*e*) to which particular attention was drawn in your letter, paragraph 2, I do not suppose the difficulty will be very great, for the men possessing the high property qualifications fixed by the Government will be only a few in number. An alternative would be to confine the power of voting to the zamindari members of the several District Boards of the northern and southern groups of the Presidency, respectively. They could, of course, vote for one of their number, or for one of their class.

(ii) The representation of the Muhammadan community :—

We have now, from various causes, arrived at a stage at which it is perhaps necessary that the Muhammadan community should have a separate representation. The Government of India allot two seats in the supreme Legislative Council to be filled by election and two more by nomination in addition to the number of Muhammadans who will be able to secure election in the ordinary manner. It is well known that, without any special facilities, as are now proposed to be created, some of the provinces have heretofore been returning Muhammadan gentlemen. Where they could command the confidence of the people they did not shrink from electing them on the ground that they were Muhammadans. I have a suspicion that the special provisions now made will have effect of reducing the chances of Muhammadan gentlemen being returned in the ordinary manner; to prevent this, I think, the number of Muhammadans to be nominated may be reduced to *one*.

(iii) In paragraph 22 (*c*) of the Government of India's letter, they explain how, in the case of District and Local Boards, seats may be distributed among occupational groups, such as landholders, cultivators, traders. etc., and suggest that certain castes may be selected as representing each group. It is not clear what is here meant, but if they intend to identify each of the existing castes with one or other of the occupations mentioned, I believe that even the Government of India is bound to fail in its attempt. It can no more prolong the life of an anachronism than it can succeed in bringing a fossi e to life. The alternative suggestion made towards the end of the paragraph, that the electoral groups may be formed on the basis of these occupations only, is, at any rate, more intelligible.

(iv) *Paragraph (d) (i) of the scheme of the Government of Madras.*—The property qualification applicable to class (*d*), viz., Barristers, Vakils, etc., I would fix no income as entitling a person of this profession to come under this class. The electorate is sufficiently intelligent and can be trusted to do its duty and select the proper men. Moreover, the property qualification, if imposed, will debar many worthy persons from serving the public through the Councils, for no greater sin than that their income is below Rs. 5,000. It is not always true, especially in this profession, that the larger the income the greater the merit.

(v) I am opposed to having a ruling chief on these Councils also, for reasons mentioned in paragraph 7.

He cannot afford to be outspoken and oppose the Government policy whenever needed without running the risk of becoming a "marked" man in the eyes of the Government. It would detract from the stately decorum which ought to characterise the relations between the Government of India and a ruling chief.

(vi) *The scheme of the Madras Government.*—With all respect to the framers of this scheme, I must characterise it as defective, impracticable, retrograde and mischievous. Towards the end of paragraph 21 in their letter, the Government of India distinctly give their assurance that they do not propose to withdraw from the district boards and municipalities the privilege of election to the Provincial Councils, which they have enjoyed for the last fourteen years; and His Excellency the Viceroy Lord Minto, in his reply to the Muhammadan deputation in 1906 laid special emphasis on the importance of the work to be done in the District and Local Boards which, he described as the "initial rungs in the ladder of self-government." Yet, we find the Government of Madras drawing up a scheme in which these bodies are given no place. To my mind, there can be no excuse for ignoring them, in the face of these explicit assurances.

21. Representation based on distinction of caste, suggested by the Government of India, is evidently sought to be perfected by the Government of Madras in their scheme for this Presidency. I, for one, cannot see the *raison d'être* for this policy. It only lends colour for the accusation

now often made, that the Government of the country is becoming an adherent to the ignoble policy of " divide and rule ". No one asked for these representations. In short, such attempts to divide the people against themselves should at once be abandoned.

22. Again, the proposal that Brahmans, however high their standard of income, scattered over a province like Madras, should elect a representative of their own, is meaningless to the point of being absurd. He will serve no good purpose. If he represents any interests at all, they will be his own. Last of all, six seats are reserved to be " selected by all other persons ". Who these persons are to be we are not told. Let us only hope that they are not to represent the castes and sub-castes of the Indian peoples. If such a proposal did not emanate from the Government of a vast province, assuredly, it should not be worth consideration at all.

23. Where minorities or special interests require representation, I would recommend that the Government should exercise its power of nomination for the purpose.

24. To sum up my opinion on the subject of the enlargement of the Legislative Councils—

(i) Instead of the cumbrous method of maintaining an official majority, steps should be taken to provide for the official view to prevail even when it is in the minority.

(ii) While the proposal to give the landed and monied classes their due measure of representation is unobjectionable, no attempt should be made to reduce the influence of the professional classes, which is neither excessive nor unwholesome.

(iii) Territorial representation is always the best except when a conflict of interests renders necessary the representation by classes.

(iv) Property qualifications fixed for landholders in the letter of the Government of India and in the memorandum of the Government of Madras are excessively high and must be reduced.

(v) It is not correct to say that the great landlords would represent the smaller landholders.

The middle class landholders should have substantial representation.

(vi) Muhammadans may have special representation, but the number of members to be nominated by the Viceroy should be one.

(vii) The scheme of the Government of Madras is most ill-conceived and must be materially altered. The Local and Municipal Boards should be given larger powers of election to the Councils. The attempted representation by castes is absolutely unnecessary and deserves to be highly deprecated.

25. A few suggestions regarding the constitution and electorate for Taluk Boards—

(*a*) Each group of about ten to fifteen villages to have one representative on the Board.

(*b*) Each of the unions to have one representative.

(*c*) Each of the municipal towns to have two to three representatives for separate interests, such as trade and industry, landholders and professional classes.

(*d*) Every pattadar, house-owner and graduate of five years' standing to have power to vote.

(*e*) Three-fourths of the members to be elected and the rest to be nominated by Government.

(*f*) Men with incomes of Rs. 1,000 per annum and able to read and write alone to be eligible for membership.

(*g*) The Board to be presided over by a non-official Vice-President, with wide executive powers and responsibilities. He is always to be elected.

Suggestions regarding District Boards—

(*a*) Three-fourths of the members to be elected by the Taluk Boards, the rest to be nominated.

(*b*) Certain proportion of seats to be set apart for each of the different interests.

(*c*) To be presided over always by an elected non-official Vice-President with wide executive powers and responsibilities.

Similar suggestions for Municipal Boards.

Their existing powers must be considerably added to and decentralised—

Provincial Legislative Council.

To be nominated by His Excellency the Governor	.. .. ..	2
„ selected by the Chamber of Commerce	.. ..	1
„ „ by the Senate of University	.. ..	1
„ „ by the Municipality of Madras	.. ..	1
„ „ by members of the District and Municipal Boards of eleven groups of districts	.. ..	11
„ „ by middle class landholders of five groups of districts in the Presidency	.. ..	5
„ „ by the zamindars	.. ..	1
„ „ by Muhammadans	.. ..	1
		23

Imperial Legislative Council.

No ruling chief.

Elected Members.

By Chambers of Commerce of Calcutta and Bombay	2
„ non-official members of Provincial Councils	7
„ electorates formed from the combination of all the District Boards in the provinces including Burma, to represent middle class land-holders	8
„ Muhammadans	2

Nominated Members.

Of whom, *one* to be Muhammadan, *one* to represent Central Provinces and not less than *three* to be nobles or zamindars	6
Experts	2
	27

26. It only remains for me to consider the third and last proposal of the Government of India "the discussion of the budget in the Councils." I think nothing but good will result from this step of discussing the budget under separate heads.

27. I may perhaps be permitted to add one word. The Lieutenant-Governor of Bengal and the Governor of Madras have recently inaugurated a silent but useful reform in the way in which the budgets are prepared. They have appointed conferences of members, official and non-official, to consider the budget while under preparation. This is useful, inasmuch as it gives the non-official members opportunities of suggesting changes and urging modifications while there is yet time to consider them. This would also save fruitless discussion in the Council at the time of its presentation. The Government of India might well have done something to systematise this method and ensure its continuity.

28. The enlargement of the Legislative Councils is a step which, however good in itself, can hardly, it seems to me, be called a real reform. Beyond giving a larger number of members occasions to express their views in the Council Chambers, it does nothing. Not an iota of power is placed in the hands of non-official members beyond what they already possess. I am disposed to think that without weakening the executive authority, it should be possible to strengthen their position. To give them some small powers of initiative, to formally recognize the force of their collective opinion, to allow them a more real hand in the budget, would probably be steps in the right direction.

29. We are assured that the Government of India's proposals are "provisional and tentative", and this leads me to hope that during the process of revision in the light of public opinion, they will be shorn of most of their objectionable features and undergo substantial improvement.

30. In conclusion, I beg to thank you for referring the Government Order to me for opinion.

XXIX

Letter—from A. Butterworth, Esq., I.C.S., Collector of Trichinopoly.
To—the Chief Secretary to Government.
Dated—the 24th January 1908.
No.—R. Dis. 70-Rev.

I consulted eighteen persons (three officials and fifteen non-officials) on the schemes dealt with in G.O., No. 886, Public, dated 22nd November 1907. Only two officials and seven non-officials have expressed any opinion. It is characteristic that three (one of these, indeed, has been unwell which may account for his failure to reply) of the four big zamindars have not furnished their views. I say it is characteristic because it has been my experience that there are few classes in the country more apathetic and ignorant than the hereditary landholders to whose opinion the Government of India attaches, apparently, such great importance.

2. I send on the replies which I have received from persons consulted. It will be seen that the scheme of Advisory Councils is not greeted with enthusiasm on the whole. It would have been strange if it had been. I have my own views as to the lines in which the reform of the constitution should be arranged, but I need not trouble Government with them. They certainly are not those suggested by the Government of India. If it were not that I regard the scheme of Advisory

Councils as doomed to failure from the outset, I should take strong objections to the proposed constitution of the Imperial Advisory Council. It is to be representative of two sections only, the Rajas and the big landholders. As to the former, the Government of India are doubtless the best judges of the value of their opinion on matters affecting British India. But, as to the latter, I have had some experience of the class in the South and I have no hesitation in saying that they are, as a rule, wholly unfitted to be councillors of the Government of India in matters affecting the common weal. I agree with what Mr. Desikachari says on this point. The zamindar is not often distinguished by an interest in public affairs. On the contrary he not unseldom seems to take a pride in ignorance of even his own affairs and he rarely shows any zeal for the improvement of his estate or the welfare of his ryots. He is in no wise representative of, or fitted to represent, the interests of the great mass of landowners and is entirely dissociated from the aspirations of the more progressive classes and from everything connected with the industrial development of the country. Even if it were otherwise, I doubt whether men whose opinion is of any value would be ready to accept, or, rather, to retain after the novelty had worn off, a position which does not even afford the gratification of making public announcement of their views. It will be seen that several of the gentlemen consulted take exception to the general rule that consultation should be private and confidential.

3. The Provincial Advisory Councils are not to be cast in so illiberal a mould as the Imperial Advisory Council but even in their case the nucleus is to consist of the big landholders whose value as an advisor I have ventured to doubt. That, however, is unimportant, if adequate provision be made for the representation of other interests. I have already expressed the opinion that the whole scheme of Advisory Councils is futile but, if it is to be tried, I would leave the nomination of the members of the Provincial Advisory Councils entirely in the hands of His Excellency the Governor who has the best means of selecting men whose opinions will be of value. I see no need to fix any limit of numbers. The main object is to secure due representation, not of all castes, but of all the principal interests of the country and, with this object in view, it is perhaps better not to tie the hands of the Governor by imposing a limit on the number of men who can be appointed.

4. The reconstitution of the Legislative Councils is a matter of more importance than the scheme of Advisory Councils. As regards the Imperial Legislative Council, I agree with those who consider that a ruling chief has no place in a Legislative Council for British India. It appears to me, too, to be impracticable to arrange for election of members by such electorates as—

(1) nobles and great landholders, and
(2) Muhammadans.

The electorate in each case will be so disunited and scattered over such a large area of territory as to render any real representation of interests impossible. I dissent entirely from the view that the great landholders, in the South at least, represent in any way the great mass of landholders but, if they and the Muhammadans need special representatives, I would leave them to be nominated by His Excellency the Viceroy on the advice of the Governor or Lieutenant-Governor of the province. I am inclined to agree that there ought to be special representation of big landholders and Muhammadans on the Imperial Legislative Council, but I do not think that such representation can be based on the elective principle.

5. The present method of election to the Provincial (Madras) Legislative Council appears to me defective. There is no need why Municipal Councils and District Boards should have different nominees. Their interests are not diverse. What we want is representation of local interests and that is not sufficiently secured at present. The interests of Trichinopoly are different from those of South Canara and it is manifest that two members for the whole southern group and two for the northern do not secure adequate representation. The district is the natural unit and, if the number of non-official members is to be raised to 17, we can nearly arrange for district representation. Putting aside two members to be nominated by His

Excellency the Governor, one to be selected by the Chamber of Commerce, one by the Senate and one by the Madras Corporation (or the citizens of Madras) we should have twelve seats to fill. I would divide the districts into twelve groups and allot one member to each group to be selected on the *combined* vote of the District Boards and Municipal Councils situated in that group. The scheme adumbrated by Government is, however, quite different from this. It is the representation of *classes* instead of *localities*. This plan has been generally disapproved by those consulted by me and I also hold the view that it is both questionable in principle and exceedingly difficult of accomplishment. We have with us the District Boards and Municipal Councils. Both are recognised institutions, are not unimportant means of representing the people and can, and will, no doubt, be made hereafter more representative than they are at present. Their importance is enhanced by their being at present the electoral bodies for the Legislative Council and I should be sorry to see them shorn of such prestige as attaches to them on this account. If the number of Legislative Councillors selected by them is increased as proposed by me, their importance will be enhanced and we have in them ready to hand the means of securing real local representation on the Legislative Council. Government suggest that the electorate for the Legislative Council may serve as the electorate for the District and Taluk Boards. I view the matter from the other side and suggest that the Municipal Councils and the District and Taluk Boards (and thus the electorates, if any, appointing those bodies) may serve as the electorate for the Legislative Councils. I have expressed the opinion that what we principally want is increased *local* representation. The matters which concern a Brahman in Tinnevelly are not likely to materially concern a Brahman in Ganjám, but the matters which concern a Brahman in Tinnevelly are very likely to concern the other castes of that district. No doubt an increase in the number of elected Legislative Councillors, if they are elected on the present system means an increase in the already undue proportion of Brahmans and vakils. But, so long as the community finds most satisfaction in such representation as indicated by the voting, such unequal representation among the elected members can only, I think, be balanced by the *nomination* by members of other classes and professions. This balance is easy of attainment, for the Governor is at liberty to select a few non-official members and can also, in selecting officials, take precautions to see that the predominance of the Brahman element among elected members is compensated for by the selection of non-Brahman officials. In this way adequate representation of all classes can, in fact, be secured without adopting the plan of *election* by castes and religions—a plan which is open to the objection that it seems to recognize and encourage differences which it is our object to obliterate. Even were there no objection of principle to the scheme of class representation there are difficulties in the way of introducing it which seem to me to be insuperable. I can think of no means whereby the votes of whole classes throughout the Presidency could be secured but, assuming that arrangements could be made to hold such elections, the voting would be a farce, for to nine-tenths of the voters the candidates must be mere names. They would represent no general interests and the elections would be a mere matter of wire-pulling.

As to Muhammadans, they occupy in this Presidency a position of comparative unimportance and, though they should be always represented on the Council, I think this can be adequately secured by leaving certain direct nominations in the hands of His Excellency the Governor. But what I regard as the fatal defect the scheme of representation by classes is the apparent impossibility of arranging for class voting over the whole Presidency. Even if this could be secured, the voting would be a farce, for to nine-tenths of the voters the candidates must be mere names. They would represent no general interests and the elections would be a mere matter of wire-pulling.

6. As to the revision of the system of securing members for Taluk and District Boards, that is a matter on which I need not say anything at present. It would involve a good deal of discussion and is not immediately in issue here but I may say that, though the principle of election is valued and understood in Municipalities, it is doubtful whether the time has yet come for placing Taluk Boards, and through them District Boards, on a basis of popular representation.

ENCLOSURE No. (1)

Letter—from M.R.Ry. A. VEDACHALAM AIYAR Avargal, B.A., Deputy Collector, Musiri division.
To—the Collector of Trichinopoly.
Dated—the 17th December 1907.
No.—R. Dis. 412.

In reply to R.C. No. 1153/B. & G., dated 4th December 1907, I have the honour to offer my remarks on the questions about the election of members to the Provincial Advisory and Legislative Councils.

2. As I take it, the Provincial Advisory Council has to be composed of members who can be expected to give information as to how far measures of importance are likely to affect the population. These persons should be capable of studying the wants of the population, how far the remedial measures adopted by the existing rules in force are sufficient to remedy the defect, and what the members would propose from a practical point of view leaving Government to work out the remedy with reference to the finances at the disposal, and with reference to the legal manner of the measures to be taken. Different tracts of country require different treatment and each similarly circumstanced area has to secure a representative to voice forth the opinion of the people of that part which he represents. It seems to me that the Provincial Advisory Council must be made up of representatives of different parts of the country recruited from the agriculturists mainly. If practicable, I would propose having one for each district. But if the number is considered rather unwieldy, the districts can be grouped with reference to similarity of tracts and the number of representatives reduced. The qualifications of the representative may be prescribed with reference to the largest interest to be served by his representation. For example, for Madras district, there should be more than one representative to represent the trading, the municipal and other interests. Such districts as Wynaad and Nilgiris require representatives of planting industry. Such districts, Malabar and South Canara require representatives both from landlords and tenants. Such districts as Madura, Salem, Tinnevelly, North Arcot, which have a number of zamindaris and also ryotwari tracts, require a representative—one from the zamindari class and another from the ryotwari class. Taking the southern districts of of which I have some knowledge, I should allot representatives as under—

(1) Tinnevelly	1 seat for the zamindar. 1 do. for ryotwari.
(2) Madura	1 do. for zamindar. 1 do. for ryotwari.
(3) Trichinopoly	1 do. do.
(4) Tanjore	1 do. do.
(5) South Arcot	1 do. do.
(6) Chingleput	1 do. do.
(7) North Arcot	1 do. do. 1 do. for zamindar.
(8) Salem	1 do. do. 1 do. for ryotwari.
(9) Coimbatore	1 do. do.

and so on.

I beg to propose the adoption of the following principles in the selection or election of members for the proposed Advisory Council:—

(1) Each district should at least have one representative to represent the agricultural interest except Madras and planting districts.

(2) Where in any district there are other large interests than the agricultural interest, such interests should have a representative.

3. The representative should belong to the class of interest he represents. If, by this arrangement, the number of members is large, we can reduce the number by clubbing the representatives under (1) so as to represent two or three districts similar in character as regards agricultural interest.

4. The question of constituting a District and Taluk Advisory Councils is under consideration and if this should become a possibility, then such councils would form proper electorates to send forth the representatives to the Provincial Advisory Council. The representative for the district will then be in a fair position to consult the members of the District Council before he ventures an opinion on any measure in the Provincial Advisory Councils. I do not think that the present method of nominating or electing members to the Taluk or District Board is carried on in a suitable manner so as to get representatives from different parts of the country. For some reason or other, the members chosen happen to come from district or taluk centres with not much knowledge of the interior of the district and with very little chance of the members itenerating in the district except the official members. It is on account of this reason chiefly that the importance or urgency of schemes put forward in the boards has to be mostly judged by the official members, and the non-officials are not in a position to offer their views after proper consideration of the

wants of the people whom such measures are intended to benefit. I would therefore propose (1) to enlarge the scope of the usefulness of these two institutions—Taluk Board and District Board —and thereby educate the agriculturists as to how local funds can be administered by themselves under the guidance of officials who have been trained for years in the art of managing such funds. The direction in which I would propose expansion of these institutions is given below.

A taluk can be divided into a number of groups of villages for purposes of representation on the board suitable to the size of each taluq and to the varieties of agricultural or other interests in different parts. Each equally important group will have a representative on the Taluk Board either by nomination or by election. The number of members on the rolls can be increased irrespective of the result leading to an official minority and there is not much likelihood of the non-official majority taking a wrong course so as to abuse their power with reference to the limited funds at their disposal. In the event of such a contingency, powers can be taken under the Act to veto their action. The number of groups of villages to be formed in each taluk can at present be regulated by forming two groups in each Revenue Inspector's firka and the representatives might be nominated for the present. This system would make the people understand how the local funds can be administered by them without party faction and personal feeling and how it is possible for people to be friends and to maintain difference of opinion. This education is sadly wanting in the country among rich, the poor and even among the English educated people in the mofussil.

From among taluk boards so constituted, representatives can be chosen by election for the District Board. Some seats can be reserved in the District Board to appoint by nomination of the classes which fail to get representation by election from the District Boards.

5. If the Taluk and District Boards are enlarged in the direction proposed or in some more suitable direction so as to get representatives from different parts of the country, these Boards can serve as Advisory Councils in matters other than local funds. The groups of villages which are proposed to be formed can get eventually the elective franchise and can be constituted as village panchayats. The work of union panchayats at present is not satisfactory.

To put the views in a concrete form, I would note below my proposals so far as it appertains to Musiri and Kulitalai taluks :—

Musiri taluk.

Uppiliapuram firka	2 groups.
Turayur	2 „
Turayur Union Town	1 group.
Edumalai firka	2 groups.
Musiri Cusba firka	2 „
Musiri Union Town	1 group.
Thottiam firka	2 groups.
	12
Classes representation in the minority	3
	15

Kulitalai taluk.

Kulitalai Cusba firka	2 groups.
Kulitalai Union Town	1 group.
Krishnapuram firka	2 groups.
Kadavur zamin	1 group.
Thogamalai firka	2 groups.
Manapparai firka	2 „
Marungapuri zamindari	2 „
	12
Classes in minority	3
	15 seats.

Thus there will be 30 seats besides the usual complement of officials on the Taluk Board.

I would only place the following conditions for election or selection—

(1) that the representative should be literate,

(2) that his property qualification is pretty decent, (3) that his antecedents are not such as to make the public lose confidence in him as a representative of the public.

6. As regards the Legislative Council seats, and electorates, I have no remarks to offer.

ENCLOSURE No. (2).

Letter—from M.R.Ry. T. DESIKA CHARI, Cantonment, Trichinopoly.
To—the Collector of Trichinopoly.
Dated—the 20th January 1908.

I have the honour to submit the following suggestions regarding the points raised in the memorandum forming the annexure to G.O., No. 886, Public, dated 22nd November 1907.

I.—Imperial and Provincial Advisory Councils.

1. The object of establishing Imperial and Provincial Advisory Councils being to afford wider opportunities to the people of India of expressing their views on administrative matters, it is essentially sound in principle to afford the land-holding classes an opportunity of expressing their views on matters of practical administration. It is, however, questionable whether these classes have become qualified to take a more prominent part in public life or render a larger measure of assistance than now to the Executive Government. It is fairly accurate to say that in this Presidency they are not yet fitted to form almost the sole components of the proposed Advisory Councils and have so far evinced neither the desire nor the capacity, except in rare instances, to interpret the wants, hopes and aspirations of their fellow subjects. The amount of interest (or the want of it) which has been displayed by such of the members of the Local Boards as have been selected from these classes is a fair indication of the apathy displayed by them in matters relating to the administration of local affairs.

2. It is objectionable to give too much prominence in their present state to "territorial magnates" who are generally out of touch and sympathy with the people at large. But it would be an experiment in the right direction to associate them in Councils like those now proposed, if only to educate them how to help the Government in matters in which their help might be sought. Having in view, however, the objects with which the Advisory Councils are proposed to be formed, it would be necessary to have on them a fair proportion of men with literary qualifications, who could gauge aright and accurately read the sentiments of the small landlords, ryots, artisans, merchants and the masses of poor people that form the major portion of the population of India. To prevent, however, irresponsible people with no status attaining an influence detrimental to the rulers and the ruled alike these men with literary qualifications ought to satisfy certain property qualifications, the most important of which would be that they should have an annual income of not less than Rs. 15,000.

3. The association of a large number of ruling Chiefs with territorial magnates is not likely to conduce to the exposition of popular opinion. They are as far removed from the people as the Government which seeks their advice, by reason of the very few opportunities which hereditary Rajas have of moving closely with the common people. Moreover these princes could hardly be familiar with the wants of the people in British India. If their presence on the Council were necessary because of the existence of certain interests common to the paramount power and the Native States, it would be enough if two ruling Chiefs from each Province were selected.

4. Regarding the constitution of the Imperial Council, therefore, it is humbly suggested that 15 ruling Chiefs, 15 territorial magnates, 30 members representing the professional, commercial and other classes having educational qualifications and in the receipt of an income of not less than Rs. 15,000 a year, should constitute the Imperial Advisory Council.

5. With regard to the work to be done by the Council I would suggest that collective and public deliberation should be the rule and individual and confidential communications the exception. Confidential communications would, in some cases, evoke frank interchange of opinion, but very often result in erroneous and misleading estimates of the problems on which such opinions are offered, unchallenged by the wholesome influence of public criticism.

6. *Provincial Advisory Councils.*—Besides the Imperial Councillors who should form the nucleus of the Provincial Advisory Council, it is advisable to have one member in each district. Here again I would suggest that no undue prominence should be given to wealth alienated from education, bearing in mind particularly that in this country, more than in any other, learning is respected above wealth. The selection should be made as far as possible from the educated classes as the landlords would be adequately represented by the nucleus above referred to. This selection should be irrespective of caste, class or creed, due regard being had however to commerce, industry and professional interests being adequately represented. The qualification might be fixed at an annual income of not less than Rs. 10,000 a year. The idea of dissociating the educated classes from the administration, creating a separation between them and the rich landlords or introducing distinctions based on caste or creed, is certainly foreign to the genius of British Government and anything which is calculated to create a notion that such a dissociation, separation or distinction is intended, may be avoided.

II.—Imperial Legislative Council.

7. On the proposals regarding constitution of the Imperial Legislative Council I venture to express the opinion that the creation of electorates such as are referred to in clauses C and D is objectionable. Without any such clause as clause a Muhammadan gentleman elected by the Madras Legislative Council served on the Imperial Legislative Council for a number of years.

Whatever it might be in other provinces there is no necessity to introduce a distinction so far as this Presidency is concerned which is based upon a difference in creed. Nor is it necessary to treat the big landlords as possessing interests different from those who do not pay any land revenue to Government but whose income and influence are much greater than those of such landlords. It is also not right, in principle to make it appear that one portion of His Majesty's subjects have a preferential claim for representation. Instead of creating such electorates it would be better by far to have more non-officials nominated to represent special interests if any. Instead of clauses C and D a clause may be introduced having the effect of forming an electorate composed of individuals having an annual income of Rs. 15,000, provided that in the case of Muhammadans an income of Rs. 5,000 should be deemed a sufficient qualification.

III.—Provincial Legislative Council.

8. It is not advisable to have clauses D, E, G, H and I in the proposed scheme for the selection of non-official members. I need not repeat the reasons already given, for what I humbly think is an objection to the creation of such a division. I beg to suggest a literate and property qualification combined for voters and members standing for election. The special conditions in clause D of the scheme seem to be all right so far as the qualifications prescribed are concerned.

IV.—Elections of Members of Taluk and District Boards.

9. The electorate for the District and Taluk Boards might be formed in such a manner as to return really representative members to these Local Boards. If this is satisfactorily arranged for, the Taluk Boards might send representatives to District Boards and the election by District Boards of members to the Provincial Legislative Council would, it is submitted, be far more satisfactory than having members of different classes elected by different electorates. And the District Boards themselves would in time form District Advisory Councils. Thus the electorate formed of District Boards would be really representative and avoid all difficulties based upon different conditions prevailing in different local areas. Any minority not still adequately represented might be provided for by a larger number of seats which could be filled by nomination by His Excellency the Governor.

Letter—from M. AZIZ-UD-DIN, Khan Sahib, Khan Bahadur, Collector of South Canara.
To—the Chief Secretary to Government.
Dated—Camp Kasaragod, the 7th February 1908.
No.—Dis. 17 R./Ver.

With reference to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to submit, herewith, the opinion in writing of the leading and influential persons in the district, whose names appear on the margin, with regard to the proposed Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils. As these writings speak for themselves, I think it unnecessary to comment upon them. It may be observed, in passing, that there is almost a consensus of opinion that the Advisory Councils would not be of much use, in case they are chiefly made up of the ruling Chiefs and the territorial magnates and that the enlargement of the Legislative Councils, if effected on the lines indicated by the Government of India, will hamper the growth of unity among the people and give rise to sectional and caste differences.

1. W. A. Doig, Esq., I.C.S., Head Assistant Collector.
2. M.R.Ry. P. Narayana Menon Avargal, Head-quarters Deputy Collector.
3. M.R.Ry. R. Rama Rao Avargal, General Duty Deputy Collector.
4. M.R.Ry. K. Vasantha Rao Garu, Treasury Deputy Collector.
5. M.R.Ry. A. Devappa Punja Avargal, B.A., B.L., Tahsildar of Udipi.
6. M.R.Ry. M. Panduranga Kini Avargal, Tahsildar, Mangalore.
7. M.R.Ry. Diwan Bahadur A. Pinto Avargal, Retired Deputy Collector.
8. M.R.Ry. D. Ananthayya Avargal, Retired Deputy Collector.
9. M.R.Ry. Rao Sahib N. Subba Rao Avargal, Chairman, Municipal Council, Mangalore.
10. M.R.Ry. U. C. Krishna Bhat Avargal, B.A., B.L., Vakil.
11. Abdulla Haji Kasim Sahib Bahadur, Merchant and Landholder, Udipi.
12. Muhammad S'chamnad Sahib, Landholder, Kasaragod.
13. M.R.Ry. B. Venkataramana Holla Avargal, B.A., Baindur.
14. H. R. Morgan, Esq., Coffee Planter.

2. As to myself, I venture to think that the formation of the Imperial and Provincial Advisory Councils is not a step in the right direction and that it is more than probable that, in practice, they will be found unsatisfactory alike to the

rulers and the ruled. Their advice will not command, in the eyes of the Indian public, the respect and weight which the Government of India is disposed to think it will, and in cases in which such advice is not accepted and acted upon by the Government of India or the Local Governments it is more than likely that it will give room to dissatisfaction and disaffection which, on administrative grounds, I need scarcely say, is altogether desirable to avoid. It is unlikely that these Advisory Councils will be a valuable means of eliciting opinion on measures which the Government may have in contemplation and it is equally unlikely that they will be found useful in diffusing correct information as to the acts, intentions and objects of Government. The Government of India and the Local Governments are more in touch with the public thought than the ruling chiefs and the territorial magnates, and as it is, the former are better placed than the latter in the matter of the diffusion of correct information as to the acts, intentions and objects of Government. Such Advisory Constitutions have never been known in the annals of this country and the scheme in contemplation is, I feel constrained to submit, an application of a Western method to an Eastern society. From an Eastern point of view, it is essential that a ruling chief should in the interest of his prestige be exclusive, that he should not, except on rare occasions, expose himself to public view and that he should, under no circumstances whatever, associate himself with one inferior to himself in rank, even though he may be a territorial magnate : the more exclusive the Indian Chief is, the more he is reverenced by the people. By way of illustration, it may be mentioned that an Indian gentleman from Atur, in Salem district, went all the way to Mysore, enduring the fatigues of the road journey, for in those days there was no railway communication, with the sole object of catching a glimpse of the countenance of the then ruler of Mysore, Maharaja Krishna Odyar, the grandfather of the present Maharaja and with considerable difficulty gained admittance into his presence, under the long-established belief that the sight of a ruling chief, which was rarely available, contributed to one's good luck. I am also aware that a certain Prince of Arcot was most unwilling to accept a seat in the Local Legislative Council. It is very doubtful that any of the great Indian Chiefs would condescend to be associated with British subjects and territorial magnates as, according to Eastern notion, their splendour lies in their isolation. For more than one reason, I am not in favour of the Advisory Councils and as such do not feel myself competent to offer suggestions as to their constitution and as to the work which may be devolved upon them.

3. As to the enlargement of the Imperial and the Provincial Legislative Councils, I consider that the proposed measure is a step in the right direction. The number of the people who have received Western education has considerably increased and as a natural consequence of such education they desire to have a wider share in the administrative matters of the country : the aspiration is legitimate and deserves to be met to a reasonable extent. In introducing the measure, care has to be taken, as observed by the India Government, to provide for the adequate representation of the different classes of people, races and interests in the vast Indian Empire. Most of the Hindu gentlemen consulted are against racial electorates and racial representation, on the ground that such an arrangement will interfere with the consolidation of the people and check the growth of the Indian nationality now in its embryonic state : the sentiment is very pleasing indeed, but if truth were to be told, national growth should spring from within and not from without : the effects of the internal growth will be healthy, while those of external will be suicidal to the development of the nationality in view. The Indian Society owing to the diversity of religious and social prejudices stands divided into so many communal entities, each of which has to safeguard its own rights and requirements. Any measure inaugurated by Government should have the excellence of providing the needs of the society of the present day and not those of an ideal society of the future which, despite the ardent desire of the educated classes, is not likely to see the light of the day for centuries to come. I am decidedly of opinion that territorial representation is unsuited to present requirements and the constitution of electorates is absolutely necessary to secure on the Imperial and the Provincial Legislative Councils the representation of minor communities and of important interests. That territorial representation has been a distinct failure is more than amply borne out by the fact that since the passing of the Councils Act of 1892 not a single Christian or a Muhammadan has been returned to the Local Legislative Council, either by the

northern or the southern territorial electorates, which are almost exclusively composed of non-Mussalman and non-Christian voters. As things now stand there is little or no likelihood of either of the local territorial electorates returning a Mussalman or a Christian to the Provincial Legislative Council and as a matter of fact, a few years ago, when a native Christian stood as a candidate for a seat in the Council, his attempt resulted in a signal failure. On occasions when important questions of the kind under reference arise there is an expression of much sobriety of thought by the educated gentlemen of the Hindu community but man is man after all, the same thoughts do not influence the voters at the time of the election season. The result has been unfortunate to the development of the national growth—if Christians, Mussalmans and other minor communities are to be reckoned as component parts of the Indian nationality—for these minor communities have been practically denied the political privileges to which they were justly entitled; and while the major communities have had the opportunities of participating in political franchise and undergoing political education, the minor communities had to lag behind and to remain dormant, a thing to be deplored from the standpoint of a genuine nationalist.

The Imperial and the Provincial Councils should, in theory and practice, be real miniature national assemblies and I would strongly urge for the favourable consideration of those in authority, the absolute importance of having in these assemblies a representative of the depressed classes also. The national problem will then be practically solved and the foundation of a healthy Indian Society will be truly laid.

The apprehension, that the displacement of territorial representation by class representation will engender communal differences, passes my comprehension: as far as I can see the election by each community of its own chosen representative cannot possibly produce that effect. The elected representatives will still be Indians and, while safeguarding the interests of their community in particular, will not naturally fail to safeguard in all reasonable matters in general the interests of the Indian community as a whole.

4. Now proceeding to the details, I consider the constitution proposed by the India Government for the Imperial Legislative Council to be sound. I concur in the views expressed by the Government of India that the great landholders who form the aristocracy of the Indian society should have representatives of their own on the Council. At the commencement, it is possible, mistakes may be committed in the election of apt representatives but, in course of time, the landed aristocracy will be able to safeguard its own interests by a proper choice of the representatives. I consider that, as far as the Madras Presidency is concerned, the appointment of representatives by nomination will not give satisfaction to the landed aristocracy and should therefore be avoided.

5. I do not share the opinion expressed in some quarters that two elected and two nominated Muhammadan members will be too many for the Imperial Legislative Council. The past history, the political importance and the numerical strength of the Mussalman nationality in India, is such as to necessitate its adequate representation on the Council. A special Muhammadan electorate should be constituted and it should consist of the following five classes, as far as this Presidency is concerned, instead of three proposed by the Government of India, viz.:—

(1) all Mussalman Members of the Provincial Council;
(2) all Mussalman Fellows of the local University;
(3) all who pay land revenue in excess of Rs. 1,000 a year;
(4) all payers of income-tax exceeding Rs. 500 a year; and
(4) all registered graduates of an Indian University of more than ten years' standing.

It is very desirable that all the few seats on the Imperial Council should not be filled up by election and that two of the four, should, as proposed by the India Government, be filled up by nomination. I do not think that it would be impracticable in this Presidency to compile a register of voters and it will be altogether undesirable that the electorate should be limited to the Muhammadan non-official members of the Provincial Council. Their number will be too small to form an electorate and election by them will not find favour with the community at large.

6. As to the scheme relating to the Provincial Council, it has to be observed that only one seat is to be reserved for the Muhammadans. This means no improvement upon the present state of things and the representation will not be commensurate with the importance of the community as in this Presidency as in the past, so in the future, it will not be possible for any Muhammadan to secure election in the ordinary manner by any electorates other than the special Mussalman electorate.

Under the proposed scheme there will probably be as many as ten or eleven elected Hindu members, in addition to at least two or three Hindu official members, though belonging to the different sects of the Hindu community, as it is more than probable that Hindu gentlemen will be returned by classes and bodies mentioned under C,D,E,F,G, and J and under the circumstances, it is only fair that at least two seats should be thrown open to the Mussalman community, one to be filled up by election and the other, by nomination by His Excellency the Governor. With this object in view, I propose that the number of non-official members may be raised from 17 to 18 unless one of the two seats mentioned under (*a*) is to be reserved for a Mussalman.

7. The restriction laid down in clause (*b*) of the scheme with regard to voters and candidates is sound and calls for no remarks, as also the conditions in clause (*c*) thereof.

Clause (*e*) of the scheme should not, I think, be given effect to, as it will not find favour with the communities concerned. The system of nomination now in vogue, at least in the case of the Mussalman community, has generally failed to secure, as observed by the Government of India, the appointment of Muhammadans of the class by which the community would desire to be represented.

Clause (f) of the scheme.—I think it is unnecessary to insist upon literate qualifications.

Enclosure No. (1).

Letter—from Diwan Bahadur A. Pinto Avargal, retired Deputy Collector.
To—the Collector of South Canara.
Dated—Mangalore, the 9th January 1908.

With reference to your letter No. Ref. G. B. on 1351, dated 9th December 1907, calling for opinion on the suggestions contained in the memorandum annexed to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to submit the following remarks.

2. *Imperial Advisory Council—As to the constitution of the Imperial Advisory Council and as to the work which may be devolved upon it.*—The Council is proposed to comprise Ruling Chiefs and large landed proprietors. First and foremost, the possession of property of this sort is not synonymous to the possession of intellectual ability. Such proprietors are, as a rule, inheritors of fortunes amassed by their more intelligent and shrewd ancestors, and are themselves neither cultured nor possessed of much ability. The remark may also apply to some of the ruling chiefs who, in governing their dominions, are assisted by their Diwans and the British Residents. However well governed their territories might be, the administration in them cannot come to the high level of efficiency attained in the British possessions. Seeking their advice in ruling British India, therefore, will have a pulling down tendency. What we want is an opposite or upward tendency. In any case, their advice will not represent the best mind of the people of British India. I do not therefore think that an Imperial Advisory Council composed entirely of Ruling Chiefs and territorial magnates will be an improvement. If anything, it will not prove even commensurate to the additional scriptory and other labour involved and the expense entailed.

3. Supposing its number to be 60 as proposed, and 20 Ruling Chiefs to be among them, it will want 40 places to be filled up by other landholders. This would give 6 or 7 to the Madras Presidency if a fair distribution among the several provinces is to take place. In such a case, one representative for about three districts should be elected, in order to make the representation extend to every part of the Presidency. In such a case, for instance, one landholder will have to represent South Canara, Malabar and Coimbatore. A man selected from one of these districts will not be in touch with the other two. The same will be the case in the other districts. Moreover, in some of the districts, no landlord of sufficient status will be found, or if found, he will not be fit either by his intelligence or culture to grasp the position of the district he represents and advise the Viceroy, in the manner desired.

4. If, however, an Imperial Advisory Council is nevertheless to be formed, I think that it should be composed of good practical men of business in British India, and should not be limited to landholders. Its number may be 60 and it may include a few capable Ruling Chiefs and such large landholders as are intelligent and educated. If it is to represent every part of

the country at least one man for each group of two districts should be selected whether he be a landholder or other important business man. I fear that such an Advisory Council would be too unwieldy and impracticable and entail much unnecessary labour.

5. The work devolving on the Council would be opinion or advice on (1) matters likely to be brought before the Legislative Council, (2) all proposals regarding relief of famine or distress, (3) education, (4) Land Revenue Settlement, (5) forests and other management, and (6) any unrest and other matters of public importance.

6. *Provincial Advisory Council.*—As regards Provincial Advisory Councils, any members of the Imperial Advisory Council would be *ex-officio* members also of the Provincial Advisory Council. Omitting the districts from which these members come, the rest should supply one member each. This would give 23 members on the whole, 3 more appointments may be reserved for special classes such as Christians and Muhammadans, if they have not already furnished a sufficient number by the districtwar selection, raising the total number to 26. Their functions would be limited to giving counsel on matters of public importance referred to them for opinion or advice.

7. The proposal is to give these councils no legislative recognition nor any formal powers. This means that they are to be consulted in the same way as private individuals are at present consulted, the only difference being the councillors would be a body of men selected beforehand and named as councillors while the private individuals are at present selected each time their opinion is wanted. When a duty is imposed, some right or privilege should be annexed to it in order to evoke interest in the performance of the duty. I therefore think it would be advisable to give these councils the power of interpellation which the non-official members of the Legislative Council now enjoy. By doing so, the work of the latter might be lightened and that of the former would become the more consistent with their position as advisors.

8. *Enlargement of the Imperial Legislative Council.*—The proposals for the constitution of the Imperial Legislative Council contained in paragraph 12 of the India Government's letter contemplate the forming of two electorates, the one for selecting a member from the nobles and great landowners of each province and the other for selecting a Muhammadan member from his own community; and it is suggested that a Provincial electorate for the former of from 100 to 150 should be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year. Looking at the list of zamindars and such like proprietors of the Madras Presidency, we find that out of 23 districts, seven have no such proprietors; five more have none paying Rs. 10,000 and more a year, in eleven others there are 2 to 16 proprietors of this class in each paying Rs. 10,000 and more a year. So far as zamindars, etc., are concerned, therefore, an electorate of the nature suggested will not represent twelve whole districts, including such as Tanjore, Coimbatore, South Arcot, Bellary, Cuddapah, South Canara, etc. I have no means of ascertaining how many pattadars paying Rs. 10,000 and more a year there are in each district. These will be very few and far between, and if these be not forthcoming in any of the said twelve districts, they will go absolutely unrepresented. A landholder of substance in one district may be paying a revenue of only Rs. 1,000 a year while another equally substantial may not be found in another district amongst those paying five times that amount. An electorate may therefore be chosen and property qualification fixed for each district separately so as to bring representation home to all parts of the country. The same may be done as regards the Muhammadan electorate, the property qualification being fixed with reference to the condition of each district in which there are Muhammadans in considerable number.

9. *Enlargement of the Provincial Legislative Council.*—As to the scheme for the enlargement and reorganization of the Provincial Legislative Council, it indeed raises the number of elective seats from seven to sixteen, but reduces the chances of the Vakil class to a single seat. If the requisite talent can be found outside the legal profession the proposed scheme will be an improvement.

10. Under (*d*) (i) of the Government memorandum the property qualification prescribed is payment of land revenue of Rs. 20,000 and above or owning a rent-roll of Rs. 50,000 and above a year. This is far in excess of the property qualification required for the Imperial Legislative Council—*vide* paragraph 14 of the India Government's letter and which itself I have shown in paragraph 8 of my letter to be excessive.

11. I think also that for classes (*e*), (*f*), (*g*), (*h*), (*i*), (*j*) under (*a*) of the Government memorandum, viz., the zamindar class, the Citizens of Madras, Brahmans, Muhammadans, Christians and all other persons, in addition to the property qualification, a literate qualification up to the B.A. degree or other equal educational qualification should be required. Without a literate qualification a man will not be able to cope with the matters before him in the Legistive Council.

12. On the whole, the constitution of the Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils are commendable measures and if properly carried out will afford great gratification to the British subjects in India, provided the masses are reached.

13. *Suggestions as to how the masses can be reached.*—The populations of India, apart from the officials, can be classed as (1) landholders, (2) the legal profession and schoolmasters, (3) traders and merchants, (4) owners of industries, and (5) others. If electorates be formed for

each district under each of these sub-heads with a moderate property qualification, they can elect Taluk and District Board members and Municipal Commissioners to represent these various classes. The members of the Local Boards and Municipalities can then elect members of Provincial Legislative Councils and also members of Provincial Advisory Councils. The members of these Councils can again elect members for the Imperial Legislative and Advisory Councils. The distribution of members of the Imperial and Provincial Councils as shown in paragraph 12 of the Government of India's letter and paragraph 6 of the Madras Government's memorandum will answer; only the class (*d*) at the latter page might include schoolmasters also and the number allotted to this class be increased to two by reducing the number under (*j*) "all other persons" from six to five. Under this scheme, the Advisory Councils both Imperial and Provincial would be representative, and they should be given some such privilege or power as mentioned in paragraph 7 above in order to make their task agreeable and interesting to themselves and important in the eyes of the public.

ENCLOSURE No. (2).

Letter—from M.R.Ry. D. ANANTHAYYA Avargal, retired Deputy Collector.
To—the Collector of South Canara.
Dated—Mangalore, the 27th January 1908.

In compliance with your letter, dated the 9th December 1907, inviting my opinion as to the proposed scheme for the constitution of the enlarged Imperial and Provincial Legislative Councils, I beg to state the following :—

(1) The principle of election for the Imperial and Provincial Legislative Councils was recognised by the Indian Councils Act of 1892 and the right of nomination for the Madras Provincial Legislative Council was vested in seven public bodies, of which four were the Municipal Councils and the District Boards situated all over the Presidency. From the limited number of seats allowed for these Municipal Councils and the District Boards, these had to be grouped into the northern and southern groups. The consequence was that so many as eleven or twelve districts had to be grouped together in order to elect one individual and it so happened that some of them had not even one common language, *e.g.*, South Canara, Malabar and Tanjore. The districts therefore could hardly be said to have been fully represented in the Legislative Council and the member for those districts could hardly have studied the wants of the people whom he represented. This was the state of things which was confounding in the extreme and it was expected that the right of franchise for election to the Madras Legislative Council would be most freely extended to the same districts as before, but only on a wider basis, say, one for each district. But instead of this extending the franchise on a *territorial basis*, the enlargement of the Councils is sought to be made on a *class basis* which is a highly objectionable course. In the draft scheme for the constitution of the Madras Legislative Council, the number of non-official members has no doubt been increased to seventeen but the right of representation has been denied to the District Boards and the Municipal Councils as heretofore unless they can be said to come in the last class (*j*) of the revised scheme which includes those selected by all other persons. This change in the constitution cannot be said to be for the better. Excluding the first three classes (*a*), (*b*) and (*c*), the remaining classes (*d*) to (*j*) of the scheme provides for representation of lawyers, of landed proprietors, of Madras citizens, Brahmans, Muhammadans and other persons. The functions of the members of the Legislative Council do not seem to me to require such class representation. The Acts and Enactments passed by the Madras Legislative Council since 1892 were such as did not require special representation in Council by practicular classes as lawyers, landed proprietors, Brahmans or Muhammadans. Except in very rare cases and of which the occasions are few when the legislation for a particular class of people is undertaken as for instance in the case of Hindu Gains of Learning Bill, which would affect Hindus alone, the Legislature concerns itself with all classes of people, and a landed proprietor, a Brahman or a Christian is as much interested in a Bill before the Council as a lawyer, Muhammadan or a Sudra. The public sentiments and feelings would be as much voiced and grievances as strongly laid, before the Council, without any distinction of classes when the Bill affects all classes alike. The measure of representation does not depend upon the classes of people but on the people as a whole. In the next place, the draft scheme seeks to draw a hard and fast line between one class and another, the provision being that one selected for the one class cannot represent the other class. Such a sharp distinction between class and class cannot be made in the present circumstances of the country and the distinction sought to be made between classes of persons under (*e*) and other classes and the qualifications required to represent the class (*e*) would well nigh make the scheme unworkable so far as the Madras Presidency is concerned. This presidency is mostly ryotwari and the zamindari tracts are few and far between and permanent settlement does not obtain in Madras. The zamindars who pay a Government revenue of Rs. 20,000 a year and landowners who belong to this class of possessing an annual income of Rs. 50,000 can be counted on fingers' ends. The jenmis of Malabar cannot be included in this class because though the indivisability of family property is the rule in Marumakkataya system, yet there is nothing to prevent a division of such family property with the consent of all and moreover the family members become so many distinct tavazis in course of time, that though in theory the karnavan is the manager of the family, yet practically the family lives in so many distinct portions of family property and therefore the jenmis of Malabar cannot

be said to differ very materially from other classes of landowners to entitle them for a classification with zamindars. Besides the family property can be alienated for proper family purposes. To form therefore a separate class under clause (*e*) to represent the landed aristocracy of the presidency is practically of no value and the two seats given for such landed aristocracy, which may not consist after all of more than 25 families will be out of proportion of their numerical strength, having regard to the interests of other classes concerned. More than all, there is the strong objection that the landed aristocracy in general will not be an aristocracy of talent which is necessary for the efficient administration of a country. Being content with what they possess and engrossed with their own affairs and management of vast estates, their mental horizon will be very limited and they cannot be expected to possess broad views on questions of public importance or to give valuable and competent advice to Government. If there are individuals who are exceptions to the general rule, the Governor in Council has the right to nominate such individuals and the power is already being exercised by Government in favour of such individuals. Clause (*e*) therefore need not be formed into a separate class by itself. Similarly persons mentioned in clauses (*d*), (*f*), (*g*) and (*h*) to (*j*) cannot be so sharply distinguished, one from the other inasmuch as the persons belonging to each class, belong to one or more of the said classes. The work of classifying the people under one or more of the said classes will be difficult in the extreme and the selection of Brahmans for example will all be the greater. The census reports will show that the classes calling themselves Brahmans increase year after year and it is a most difficult problem as to who should be classed as such and who not, notwithstanding the property qualifications. This difficulty is also anticipated by Government in its remarks paragraph (*e*) of the printed memorandum which provides in cases of difficultics, power may be taken of nomination of the said classes and the number under clause (*a*) be increased to five one of whom should be a Brahman, the remaining two being Muhammadans and Christians. Even assuming such distinctions as between class and class should be maintained, the qualifications for voting are unreasonably high. If the qualification of requiring an income of Rs. 5,000 a year in respect of classes (*f*) to (*j*) be invariably insisted upon for a vote and for a seat in the Council, a large number who are in other respects fully able to represent the people and voice their feelings will be debarred from the Council and the Government would lose their help. Moreover too much importance will be given to the several classes of people mentioned in the said clauses which may not be very desirable. It is not known why the literate qualifications are not so much insisted upon as the property qualifications. Seeing that both these qualifications rarely combine in one and the same individual, it is doubtful if the Government was well advised in insisting upon the property qualification at the expense of the literate qualifications, as it will defeat the very object which the Government has in view of enlarging the Councils, viz., of enabling the masses to ventilate their wants and grievances through those who can sympathise with them and give expression to them in proper quarters. By not making the literate qualifications a test and setting up the property qualifications as high as possible, the enlargement of the Madras Legislative Council will not remove any of the defects that at present exist in the Council but on the other hand will greatly tend to weaken the efficiency of administration and the change will not be felt as a boon by the people.

The result of the above discussion will show that the proposed line of enlargement of the Madras Legislative Council is not an improvement upon the old rules of selection and rather a retrogade step. If however it is considered by Government to be the right step then the classes under (*d*) to (*j*) may be abolished and the powers of the Municipal Councils and District Boards extended so that, instead of four seats being available as now, twelve seats may be reserved for the said bodies, the grouping of the districts being made accordingly. If this procedure too does not commend itself to Government, then as an other alternative, I would suggest that the property qualifications of classes mentioned in (*d*) and (*f*) to (*j*) may be reduced to Rs. 1,200 a year, if any increase is considered necessary or they may be left as they are now.

(2) With regard to the Imperial Legislative Council, a change on the lines indicated by me above with regard to Madras Legislative Council will, I think, be considered welcome by their public. Under clause (*d*), sub-clause (*c*), the right of electing seven individuals is given to the nobles and the great landowners of the several provinces in India. The non-official members of the Provincial Councils of the several provinces mentioned in sub-clause (*b*) of clause (*d*) would be the most competent persons to nominate to the Viceroy's Council and the votes of nobles and landowners may safely be entrusted to the said non-official members, without splitting the number of seats between the two. The same remarks apply also to clause (*e*) as there cannot be any special interests which are not represented by the Provincial non-official members.

As regards the Imperial and Provincial Advisory Councils which are mainly intended for diffusing correct information as to the acts and objects of Government and of eliciting opinion on measures contemplated by Government, I am of opinion that the institution of such Advisory Councils is not at present required. The objects which such Councils are intended to serve are already served by the public press in the country and by the speeches of the official members in the Legislative Councils of Viceroy and of the Governors in Council. Moreover the members of the proposed Advisory Councils may not willingly become instruments of diffusion of such knowledge and may often prove to be mischievous source of information to Government of the sentiments and feelings of the masses whom they are asked to represent. It will have the effect of setting one class against another and amidst the rival and conflicting interests the opinion they represent may not be the genuine sentiment of the people. I have therefore no suggestions to make for their constitution.

ENCLOSURE No. (3).

Letter—from M.R.Ry. N. C. KRISHNA BHAT Avargal, B.A., B.L., Vakil.
To—the Collector of South Canara.
Dated—the 20th December 1907.

I have the honour to submit the following opinion and suggestions regarding the constitution and work of the proposed Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils as set out in G.O., No. 886, Public, dated 22nd November 1907.

2. The present proposals are made *to give the people of India* wider opportunities of expressing their views on administrative measures through classes, who will now be enabled to take a more effective part in shaping the action of Government, who may reasonably look forward, as the necessary outcome of that measure to a larger share in the actual work of administration and more extensive employment in the higher offices of State, who can make Government measures and motives generally understood, who can correct erroneous and often mischievous statements of facts or purposes imputed to them and who can confidentially, intimately and privately be consulted by Government.

3. The proposal further lays down as a key-note of the principle of conduct of Government that the Sovereign's duty, however absolute, is *to consult competent advisers* and exercise his will in accordance with what after such consultation, he deems *to be the best mind of the people.*

4. As to finding out the best mind of the people, besides the business of the Government and officers of eliciting opinions as is at present done, certain further steps are to be taken under the present proposal *to associate the ruling chiefs and territorial magnates* to guard the common interest as also the Imperial and as they might give weighty opinions and promote more *intimate relations between the component parts of India* by means of individual or joint consultation on *matters affecting the welfare of the people, i.e.*, this is to be done by evoking stable forces existing in India, *i.e.*, by getting the *views of the hereditary bodies of people* concerning future measures and by making them diffuse correct information on the acts, intentions and objects of Government.

5. To carry out the above object, the Government proposes to have two Advisory Boards—Imperial and Provincial, and two Legislative Councils—also Imperial and Provincial.

6. Now, I take the liberty to respectfully submit that in matters like these, the past history, the present state and future goal, together with all shades of possibilities and views for and against the previous declarations of the Government and Sovereign including the noble Queen's Proclamation of 1858 should be considered in order to bring about the best results.

7. The present ruling power in India and the present time are very peculiar. It is the noblest of Western nations—the British—a highly advanced and most free nation fighting for the powers of the vast British people as against the so-called too conservative habits of the landed interest of Great Britain, with a noble and genuinely great literature and noble history which would and must influence the Indian readers in the same way as themselves, that, by divine grace, rules India now.

8. The previous native rulers themselves governed it with the help of the then most civilized, self-sacrificing and never well-to-do portion of the people and looked to Brahmins or other intellectual people and moulvies who were ever indifferent to wealth but all attention to the welfare of the people; as would be clear from their literature and history.

9. The people of India consist of the (1) semi-independent ruling chiefs, (2) the territorial magnates and (3) millions upon millions of smaller landholders who under the ryotwari system form the very backbone of India and Indian Government and (4) millions upon millions of industrial population, the first two classes having however nothing to do with the others and not knowing each other or dealing with each other or in any way influencing the others except their own subjects.

10. If the Government is in any way now directly administering the affairs of any body it is of the vast millions of the last two classes—the ryotwari and industrial people.

11. The ruling chiefs are feudatory sovereigns under State treaties and the territorial magnates hold their lands under sanads. These are few, very few, and form nothing but an infinitesimal portion of the great Indian people and the interest of these two classes—the peasant proprietors and the industrial community, as far as the Indian Government is concerned, is as stable as of the first two classes, namely, the ruling chiefs and the territorial magnates.

12. Again, the status and position of the Advisory Councils is different from that of the Legislative Councils.

13. The former is purely private. It is left to the sovereign to consult anybody it likes. Nobody can question but its rule will be successful and popular and bestowing of peace and prosperity and raising the people higher or otherwise according to the importance and correctness of the advice taken or the reverse. But the latter, *i.e.*, status of the Legislative Councils, is of quite a different kind, as it controls and affects the actions of all the minor landholders as well as the territorial magnates and all other subjects of the Government. No useful section of the people can be avoided. One man has no right to legislate over another unless the right is given by the sovereign, who, when assigning his power, shall make it as excellent and as representative as possible.

14. Keeping the above considerations in mind, I proceed to say a few words first on the Imperial Advisory Board, then on the Provincial Advisory Board, then on the Imperial Legislative Council and lastly on the Provincial Legislative Council.

As to the Imperial Advisory Board.—I think that to know the best mind of the people in order to arrive at the best results, for the attainment of which the benevolent British Government is in divine charge of India, the most competent and discerning heads who would give this independent and free opinions most unreservedly should form a portion of the advisors, besides some of the smaller landholders or independent classes, so that it may represent a miniature India by itself; or else the advice taken will be partial and not complete and hence useless for the above-mentioned noble object in view.

15. As at present known, the ruling chiefs and territorial magnates cannot administer their own affairs without the help of others who are intellectually much better than themselves subject of course to a few—very few—noble exceptions. Even these few noble exceptions cannot be expected to know much about the infinitely larger portion of the Indian British subjects.

16. In these circumstances to omit the landholders under ryotwari systems who really form the real assets of the Indian Government and other most competent and best heads of the intellectual and industrial classes from the highest council from which the subordinate councils are to get the noble inspirations as regards the whole of India will make the whole scheme imperfect and defective, and the better administration aimed thereby will be proportionately rendered defective; and might, if the present newspapers correctly represent the real feelings of the majority of people, enable a certain section of people to say, though wrongly, yet with great show of reason, that the Government wants to avoid the intellectual and other people who supply a good deal of advice at present, and to make the proceedings of the Advisory Board private and confidential and that Government counts upon the fact that the magnates are not likely to move with the others largely. This might defeat the very object of the measure which is to very correctly explain the good motives of the Government. I fear that attempts might be made more and more with great chance of success to throw all others into one party, excepting the few representatives, especially as promise is held out of giving such classes only substantial share in the actual administration and higher offices in the State. Besides, this would be against the principles adopted both in the East and in the West as detailed above. I am also afraid that this measure would be against the spirit of the noble Queen Victoria's proclamation of 1858, and might tend to unsettle men's minds and beliefs as to the declarations of the Government. I shall however be glad if my fears turn out to be unfounded. If correct, there would be great dissatisfaction which of course ought to be avoided in a good and noble administration.

17. Besides, the Government would not lose much, but on the other hand would gain much and would remove the effect of the secrecy of the Advisory Board's proceeding by having all shades of opinions and suggestions in its administration which is in fact the best means of securing the happiness of the varied Indian people.

If you shut out, there is the danger of misrepresentation and of having only partial light; if you admit you get full light and give satisfaction.

Therefore, I am of opinion that most competent of the smaller landholders, of the industrial and intellectual classes should also be taken into the Imperial Advisory Council. Even as to the ruling chiefs, I am not quite certain whether everything being informal, confidential and private, and the term being only for five years and without any legal status, they would willingly accept the office and would not view it as derogatory to and against their treaties and whether this measure would not create heart-burning among them. There may be misconception that they are being lowered to the position of territorial magnates. Instead of the present measure, I humbly suggest that a list of the ruling chiefs fit to be consulted, to be modified from time to time by additions, may be kept for consultation purposes without saying that it is for such a term or for ever and they may be consulted either individually or together without assigning any name to the body or if necessary to give a name, to call it "A Ruling Chiefs' Council." They may be consulted, if necessary, on matters touching the relations between themselves and the Government and such like things. But as far as the Indian territories are concerned they will not be of much use or their ignorant views might be viewed with suspicion and might confuse the question considered.

18. *As regards the Provincial Advisory Council.*—I think that the same remarks apply to these subordinate councils also and the proposal seems to meet the aforesaid remarks half-way. My suggestion is that the council must be also a miniature province in itself and must represent the best interest of all. But the full success depends upon the right selection of the right men, *i.e.*, of the most competent and most qualified men that are available among the community and that would carefully weigh and give their opinion unreservedly. These opinions alone will be of real use to the sovereign.

19. Now, as to the Legislative Councils. As I have already submitted in paragraph 13 above this is not a matter of a private kind but is of a more public and of a legal character. The sovereign, if at all must be prepared to assign the right of legislation or sharing in legislation to most competent, civilized and independent and well-trained representative men of all interests. In legal matters certain qualifications are required. The legislator, to discharge his duties most

excellently, must know the history of law, Indian and otherwise, especially as now India is being dragged outside into world politics. He must know the technicalities of the law, and as unfortunately the law is to be framed not in the Indian's own language but in the English language which is foreign to him; he must be a thorough master of the English language. If not, he may not know to what exactly he is assenting. If reference is made to the Indian law reports, it is seen that the simple language of the legislators is being interpreted by the several High Courts and often by the two Benches of the same High Court differently and sometimes, all these decisions are being overruled by the Privy Council. The law is becoming more and more complicated. So, the legislator must be chiefly persons who actually work in the administration and application of law, knowing and practising the same. Besides, the majority of the Council being highly civilized officials, well intentioned but being of foreign ways and thoughts, before whom men of ordinary education feel shy and cannot be ordinarily expected to be unreserved and acute, there must be clever and highly-educated Indians to put their views of the Indians so clearly and forcibly that the official gentlemen forming the majority might pay deference, and give weight to their arguments and reasons, especially when there is a difference of opinion and then decide. Legislation is besides one which affects all, both the rich and the poor, and especially, as though the interest of the poor is small, yet it is extensive and requires more protection than that of the rich. I think that care should be taken not to see only for the wealth of the men which generally in India any how cannot be taken to be coexistent with all that is noble and requisite in a legislator.

From the beginning, I believe that in the East it was the Moulvies and Brahmins, who were indifferent to wealth but who cared for the treasure of knowledge and had good wishes for all, that really helped the sovereign in the matter of law-giving. In the physical body, the nervous system controls and guides the body; so in the political body, intellects must guide mere wealth. Therefore in the selection of councillors, intellectual qualification of the highest order cannot and ought not to be omitted but should be taken in to make the administration successful.

I therefore think that selection must be so made that there may be more of the gentlemen of the highest intellectual qualifications and of unreserved type than of mere silent wealthy members.

20. The law made should further be such as to possibly affect the maker and should know and move with the people whom it is to affect. Certainly if it is not to affect himself, then he might assent to any law blindly without knowing the real diseases or appropriate cures.

21. Applying these tests, I respectfully submit that a ruling chief is out of place in such an assembly. The law is to affect the pure Indian subjects with whom he does not move, of whom he does not know and in whom he has no direct interest, while there is not the guarantee of the law controlling and affecting him. Why should, it may be asked, a gentleman of this sort interfere in the legislation of utter strangers. Our rulers and ruling officials though from outside India and not Indians are greatly interested in our wellbeing and only require to be informed of the real grievances and real progress and other circumstances by weighty and independent reasons unreservedly given. The ruling chiefs would have neither right nor be under obligation, but on the other hand be mere agents.

As to class D.—All that has been urged as to Advisory Board and other remarks made apply here with great force. Here we are dealing with legislation for the whole of India, consisting of millions upon millions of subjects who are not nobles or great landowners, such as ryotwari holders, industrial people and multifarious men of other communities. How are their views to be represented? Are laws affecting them to be made, ignoring them. Do the nobles and great zamindars moving with them, knowing their grievances, do they possess the several qualifications mentioned above, to oust other classes? Are they fully fitted to represent and apply the laws which they may join in passing? I fear, not. When one portion, Muhammadans, nobles or not, can elect their representatives, why should not other Indians who form great majority, have their choice? Would not this be put forward as a partial thing, and create dissention? In the selection under class (*c*), Muhammadans also take part and of course rightly and still they come under sub-class (*d*), and get the benefit of class (*e*).

I therefore think that, to do justice to all communities in a matter of legislation the best intellects of all communities should be allowed to come in, and considering that when Muhammadans have two seats, other Indians should have at least four seats, for their representatives who should be the representatives of the qualifications set out above, or else men of Dr. Rash Behari Ghose's, Mr. Gokhale's stamp who have served the sovereign for half a century will be shut out.

22 Now, as to the Provincial Legislative Council, I think it would be just to apply the very same reasons to the Provincial Councils also.

23. I think that the people as a whole do not like to have class representations based on caste or religion, but like to put forward their best and highly educated representatives either lawyers or others, from any community they like; excepting the Muhammadans if at all, the present proposal is therefore likely to breed unnecessary ill-feeling among them, now generally united people. As to Muhammadans I am not certain as to how far they have expressed their desire to have a separate exclusive seat. But seeing that they are backward in education, generally, and granting that they want to have a separate seat, they may be given one under class (*h*). As to the rest, classes (*a*), (*b*), (*c*), (*e*) and (*f*) there can be no objection; but as to classes

(*d*), (*g*), (*i*) and (*j*), why should there be any distinction; people don't desire to have separate representations; they only desire to have voice in electing. As submitted above the legislator is required, more or less, to know the history of the law, making of the law and applying of the law. This is therefore the peculiar province of the educated men. A Christian lawyer, or a Brahmin lawyer, or any other Indian lawyer might represent his community much better than an ordinary Christian or Brahmin or any other Indian. Similarly there are other educated men of the highest order among them. These may consult their interests and put forward their best representative of any community whom they think qualified to represent their interests, knowing their grievances and the mode of their cures and expressing their views clearly and unreservedly, so as to convince the official majority, for which the latter would be thankful. I therefore think that these distinctions which would bring into existence race or caste ill-feelings, which are not existing now in any appreciable degree should not be introduced.

Considering that the Sovereign authority in India is very peculiar as set out in the outset and seeing that the middle and not the upper or the lower class, that has imbibed the western knowledge or methods of western Government under the enlightened rule of the British Government and seeing that the Government intends to give larger and wider opportunities to the people to help in the Government and eventually to bring up the Indian nation, as a great and enlightened and sympathetic father brings up his child to make him great and renowned in the world by giving him education and every other opportunity, so, I view the present enlightened and benevolent Government which has been charged by the Almighty and benevolent God with the trust and mission of nobly bringing up the once great but now fallen Indian people—who are in childhood as it were in their growth as a nation and if it should eventually in the fulness of time succeed, what a great and noble and divine work never heard of among other nations will have been done by our noble, great and world protecting British Sovereign and nation.

The standard for the class E is very high—there would be very few people who would be coming under this class either as voters or candidates. In the present circumstances of the Province my opinion is the higher one goes up for property qualification, the less educated and useful, one finds among them. Therefore, the property and income qualification must be reduced to about one-fourth of its present standard. Even the Muhammadans should be allowed to select the most intellectual men among them.

I therefore think that, instead of, (*d*), (*g*), (*i*) and (*j*), all the seats may be given to other Indians generally instead of by class or caste divisions including lawyers and graduates of the Universities, to be elected by the voters as they pleased, the voting qualifications being reduced.

In conclusion, I respectfully beg to submit that if I have put forward any view which will help my noble Sovereign authority in arriving at a correct appreciation of the real position and arrive at truth in order to bring about peace, happiness and good relations among all, Europeans and Indians and among Indians *inter se*, as truth, love and justice are the foundations of peace and prosperity of an Empire, I shall have done justice to the call made on me.

ENCLOSURE No. (4).

Letter—from MAHMUD S'CHAMNAD SAHIB, Landholder, Kasaragod.
To—the Collector of South Canara.
Dated—the 28th December 1907.

With reference to your Ref. on G.B.R. No. 1351 of 1907, I beg to submit my humble opinion on the suggestions contained in the memorandum annexed to the G.O., No. 886, Public, dated 22nd November 1907, communicating Government of India's letter No. 2310, Home department, dated 4th August 1907, regarding the constitution of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, as follows.

2. *I. Imperial and Provincial Advisory Councils.*—(i) Initiative powers may be vested in the Advisory Councils so that they might deal not only with matters specially referred to them but they may also meet and discuss matters they think necessary to bring to the notice of Government, and make proposals and submit them to Government for consideration, although their functions might be purely advisory and their proceedings strictly confidential.

(ii) The number of members for the Provincial Advisory Council may not be less than 30, as otherwise the Council will not be sufficiently representative and as the members are to come from different districts, it will be difficult to have a quorum when collective deliberation is required.

3. *II. Imperial Legislative Council.*—(i) The total strength of the Imperial Legislative Council according to the proposals in the letter from the Government of India, will be only 53. This may be increased in order to enable all sections of the people to be properly represented in the Council.

(ii) According to the proposals contained in paragraph 12 of the letter out of 25 non-official seats in the Council only four (seats) will be secured to Muhammadans. This number will not be sufficient to represent the Muhammadan community and their wide interests throughout the whole of India.

4. *III. Provincial Legislative Council.*—According to the scheme suggested as suitable to the Madras Presidency, the number of non-officials in the Provincial Legislative Council will be 17. This number may be raised to at least 20, raising proportionately the total strength of the Council.

5. The scheme provides only one seat for the Muhammadans. This is too insufficient to represent such an important class. Even according to the present constitution of the Council one seat is set apart for the Muhammadans; but that the present representation of Muhammadan interests in the Provincial Legislative Council is quite inadequate is acknowledged in paragraph 16 of the letter from the Government of India: "The Government of India concur with the presenters of the address, that neither on the Provincial nor in the Imperial Legislative Councils has the Muhammadan community hitherto received a measure of representation commensurate with its numbers and political and historical importance; and they desire to lay stress upon His Excellency's observation that 'any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent'. Under the system of election hitherto in force, Hindus largely predominate in all or almost all electorates, with the result that comparatively few Muhammadan members have been elected. These have been supplemented by nominations made by Government. But the total representation thus effected has not been commensurate with weight to which the Muhammadan community is entitled." Moreover the scheme provides one seat to each of the communities of Brahmans and Christians, while the Brahmans are not even one-half of the Muhammadans and the Christians, are only one-third of them. In consideration of all these facts the Muhammadan community may be represented in the Provincial Legislative Council for this Presidency by at least three members; and in view of the peculiar customs and habits and the extreme backwardness of the Muhammadans of the western districts and in consideration of their large proportion, those in Malabar alone forming more than one-third of the entire Muhammadan population of the Madras Presidency, it may be expedient to allow them for a fixed period at least to select their own representative, although they might be permitted to select their member from any of the districts in the Presidency.

6. As English education is quite necessary for a member and as there are not many educated among the Muhammadans, it may be better, in their case, if Muhammadans in the service of the Crown also, are made eligible for selection until they have a sufficient number educated amongst them.

7. As the Muhammadans have no joint family system and their properties are subject to constant divisions and sub-divisions according to the Muhammadan law, the amount of land revenue giving the right to vote may, in the case of Muhammadans, be fixed as low as will be necessary to secure a large and representative electorate.

8. In the case of Muhammadans all payers of income-tax and all registered graduates of any Indian University of more than about five years' standing may be registered as voters for the Muhammadan electorate.

9. No person who has not got a thorough knowledge of the English language may be considered eligible for selection.

10. In the scheme no provision, however, seems to have been made for giving representation to the great body of cultivators and labourers who form the major portion of the population of this vast continent of India and upon whose labours and exertions the whole of India depends for its staple food. The landholders are not however the cultivators, but their lands are tilled by their tenants, the ryots who are the actual cultivators and whose interests are generally opposed to those of the landholders who get sufficient representation in all the Councils. It may be expedient, therefore, to consider the claims of farmers and labourers to give them a voice in deliberations, whose consequences effect them vitally.

11. As suggestions made in paragraphs 17 and 20 to 22 of the Government of India's letter are more suitable to the conditions of this Presidency, they may be followed more closely.

12. *IV. Election of members of Local Boards.*—Both in the Municipal and in the Local Boards representation of classes is better adapted to the requirements of the country, and the suggestions contained in (*c*) of the scheme in paragraph 22 of the letter from the Government of India are very appropriate and are quite applicable to this part of India also. As the question, however, of election of members to the Local Boards will have to be considered again with regard to each district, I have not discussed it in detail here.

XXXI

Letter—from R. H. Shipley, Esq., I.C.S., Collector of Coimbatore.
To—the Chief Secretary to Government.
Dated—the 8th February 1908.
No.—R. Dis. 50/Rev.

I have the honour to reply to G.O., No. 886, Public, dated 22nd November 1907, on the subject of Advisory and Legislative Councils.

Briefly put the intention of these proposals is to take from the lawyer class of Indians certain places and privileges the practical monopoly of which they have long enjoyed, and to transfer them to the classes "possessing a material stake in the country, and representing the most powerful and stable elements of Indian Society". They therefore suggest the formation of Advisory Councils, and the extension of the existing Legislative Councils.

2. I think the argument which lies at the bottom of these proposals may be summed up as follows:

Under existing conditions, the only critics and advisers of the Government are lawyers, and of these the great majority are Brahmans. It is clearly undesirable that this should be so, and this may be admitted without casting any slur upon either that profession or that caste. As a matter of fact, the lawyer, occasionally eked out by the journalist and the schoolmaster, has so long sat in the seat of the superior, that he looks upon that eminence as his right, by prescription; and, if only as a check on this arrogance, an admixture of saner elements is clearly an advantage to the State. It would be undesirable that judicial and executive powers should be in the main exercised by one class; and it is consequently undesirable that one class should be the only critics and advisers of those who wield those powers, especially as there are others fitted for such a task, by their moral and material, as well as by their mental qualities. For it is chiefly by his acute intellect that the lawyer has obtained his predominance. The Government of India lay stress on the "intellectual fitness" of the Indian literati for administrative employment, and this may be freely admitted. Their wonderful memory, their quickness and amazing fluency, their showy qualities of brain generally, have long been the admiration of the examiner. On the other hand, their inability properly to apply their knowledge is the despair of the Statesman. "Knowledge comes, but wisdom lingers." It is high time that the Government should seek other counsellors, and from the point of view of the Indians themselves it is also time that the people realized that there are amongst them other classes of men able to do good work on the Councils.

3. For my part, I am in agreement with this view. But the Indian gentlemen whom I have consulted do not all accept it. Naturally no legal gentleman accepts it. They argue that the reason that the law is so strongly represented on the Councils is because lawyers are the most fitted for such a position by virtue of their culture, their knowledge and their public spirit. They point out that in America and other Western Countries a very large proportion of administrators belong to that profession, and they argue thence that it would be a retrograde step to restrict the opportunities of Indian lawyers in the manner contemplated. This reasoning by analogy, at all times dangerous, is especially fallacious in this case; for it omits among other considerations that of the basic difference in the early training between the lawyers of East and West. Moreover I have yet to learn that the administration of public affairs in America is worthy of being held up as a good example to ambitious Indian politicians. Their reasoning, further, is fallacious in that it takes no notice of the essential difference between India where the overwhelming majority of the population is uneducated, and indifferent to matters political, and the west, where the majority of educated and interested people is equally predominant. We have lately been told on high authority that minorities must suffer, but with eastern paradox the Indian lawyer's reading is that majorities must suffer.

4. But while agreeing with the view of the Government of India that the present constitution of our Councils should be altered and widened, I venture with all due deference and diffidence, to doubt whether the proposed measures are altogether desirable and whether the object aimed at cannot be attained by other and better means.

5. The scheme has two aspects, the one Political and the other Administrative.

Political.—I submit that it is contrary to our policy and traditions to recognize—and by such recognition to encourage—the manifold caste and religious divisions of the population. To grant a separate representation to Brahmans and other Hindus, to Muhammadans and Christians, as well to lawyers, landholders and traders is surely to carry the policy *divide et impera* somewhat far. It is reactionary and I submit unnecessary. It will of course be very unpopular with the progressive portion of the

Indian polity, and though that of itself is no argument against it, yet it is a good reason why the scheme should be closely examined, and carefully compared with alternative schemes aiming at the same object.

6. But apart from this general objection on the score of policy there is this particular objection that a system of election such as is adumbrated in the resolution would be far too cumbrous, and would by its very unwieldiness defeat the objects which the Government of India has in view. It is too extensive territorially—and it is too complicated individually. What we aim at is to bring the candidates in touch with the electors and this is clearly impossible when the electorate and the Presidency are co-extensive. The probable result of the proposed scheme would be that the successful candidates would all come from the Presidency town and their representative character would be a mere shadow. It would surely be far better to make the representation territorial, as is suggested by nearly all the Indian gentlemen I have consulted, as well as by my Divisional officers.

7. *Administrative.*—From this point of view, I take leave to doubt whether much good will come of the change, at least for some time. The scheme strikes me as being far more educative in its present shape than effective and practical. I think its chief utility will be found to lie in the awakening among the other classes of a desire to share in the political life of India rather than in any immediate advantage to the administration. For it must be confessed that "the other classes" take at present little interest in such matters. They are seemingly content to be governed, without having a voice in the policy of the Government, and I fancy that we shall find them at first without any fixed ideas or principles on many important questions. They will therefore as advisers be a failure.

8. The Government of India say that the classes which will be enabled, under the present scheme, to take a more effective part in shaping the action of Government may reasonably look forward as the necessary outcome of the measures now in contemplation, to a larger share in the actual work of administration and more extensive employment in the higher offices of State. But I venture to think this doubtful. For what are these classes? They are the noble, the landed and the commercial classes. To all of these the Government services are now open. Yet few avail themselves of their opportunities in this direction. It is not that they do not desire to serve the Government; it is that under our present rules (strict rules strictly enforced) they either are incapable of passing the tests, or, being capable, are unwilling to serve a long and often humiliating apprenticeship on low pay. And though I welcome the proposal to call these classes into our Councils, though I think such a policy will attach many to our Government, and detach many from the ranks of the Immoderates, yet I fail to see how it will enlarge our area of enlistment; for *ex hypothesi*, these Councillors will be men of mature age and experience, and past the age for entering into the public service.

9. *Advisory Councils* would no doubt if properly constituted and utilized be a very valuable aid to the Administration. I am not qualified to criticise very closely the proposals of the Government of India on the subject of Imperial Advisory Councils; but I venture to submit that there is a real danger in drawing Ruling Chiefs into the vortex of modern Indian political agitation. Also I doubt whether some of the higher Ruling Chiefs would consider it consistent with their dignity to be associated with and to sit in conclave with less distinguished individuals; and there would be probably a great risk of offending them by first asking for their advice and then not following it. Further the omission of a Commercial member from the Council strikes me as peculiar and undesirable. I need say no more on these points which have doubtless been duly considered by the Government of India.

10. *Provincial Advisory Councils.*—It is objected in some quarters that with a properly constituted Legislative Council, the Government would have no use for an Advisory Council. I think this is a mistaken criticism; for it does not take into due consideration the difference in position and duties of the two Councils. The one is consultative and the other deliberative and it is clearly a gain to keep them distinct. One is nominated and the other largely elected. It is within the experience of every District officer that there are very many men, excellently fitted by position, education and temperament to be Councillors, who will not put themselves forward as candidates for an elective office. They are willing, nay eager, to

be nominated by the Government (nomination is usually considered a greater honour than election), but they hate the indignities of canvassing and the trouble and expense of an electoral campaign.

11. Such a Council would consist of the Provincial members of the Imperial Advisory Council, of the chief zamindars and landowners, two Diwans of Native States, two or three Notable Indian Gentlemen, two leaders of the Muhammadan community, a couple of eminent merchants, English and Indian, one or two notable retired officials, an unofficial dignitary of a Christian church or a leading Missionary and perhaps an expert in education, if such there be among the non-official community. They would be nominated for a term of 3 years, independently of their tenure of office as Legislative Councillors, supposing they combined in any case the two offices. Their functions would be to give their opinion, individual and collective on any subject referred to them. The only limit to the range of such subjects would be the limits of their understanding or experience. It would, I submit, be advisable for these Councils to meet several times a year, else there would arise a spirit of discouragement and indifference, and the Councils will atrophy. The Government of India lays stress on the advantage to be gained from collective deliberation, and I agree that mere consultation by correspondence is inadvisable, as it will be uncertain whether the opinion given is the Councillor's own individual opinion or one adopted from somebody else "ad hoc".

12. It has been suggested to me by some Indian gentlemen that Advisory Councillors should be chosen by election. This is, however, quite contrary to the intention of the Government and would frustrate the object for which they are formed.

13. Finally there is a strong feeling against what is called the one-sided arrangement whereby the Government of India can publish certain opinions and withhold others. I observe that no such reservation is made in the case of Provincial Advisory Councils. Such powers are inherent in every Government, and it is, in my opinion, justified in making use of them. But they should be sparingly resorted to.

14. *Legislative Councils.*—I have no suggestions to offer on the proposals for the constitution of the Imperial Legislative Council ; but as regards the Madras Legislative Council, I would point out that an electorate formed out of landholders paying a revenue of Rs. 10,000 would be numerically weak, and it would be advisable to lower the franchise. A high literary qualification should be insisted on from candidates. There is a feeling among my Indian correspondents that there should be more elected and fewer nominated members, and this is not unreasonable, especially if Advisory Councils are formed.

15. There is a universal and very strong feeling against the proposal to vote by castes, classes and professions. This feeling obtains among English officers as well as among Indians. I have already criticised this proposal and need only quote Mr. K. Narayana Sastriar's remarks on this point as being typical of the opinion held by the Bar on this point.

"It will take long to show the difficulty in working and the unsuitability as "a representative basis of the scheme suggested in paragraph 22 of the letter If the "Hindus are of one race, then the Muhammadans and Native Christians belong to it. "If they are of different races, then they are too many to allow of anything like an "equal treatment on a race basis.

"As to caste : The Brahmin is only one of numerous castes, with numerous "sub-divisions, each as distinct from others as from the non-Brahmin. The Brahman "never asked for separate representation, and it will not satisfy any non-Brahman. "No caste interest has to be pressed before the Council nor that of any particular "religion. Native Christians have the same disabilities as Hindus and Muham-"madans.

"The Muhammadans ask for a separate representation on the ground of "'historical and political importance', but no other class. Somewhat similar grounds, "with a view to raise a decaying community, have led to two seats for the zamindars ; "but there is no rhyme or reason in perpetuating meaningless and needless distinctions, "among a people whose progress requires unification and who are rapidly making for

"unity. Nor do the lawyers ask for a representative. If it is intended to draw into "public life other classes on the ground of fitness it may be indicated by a high literary "and property qualification. But there is no provision in the scheme for insuring "capacity.

* * * * *

"I wish to submit that lawyers, as lawyers, have no right to a seat on the "Council, and as legislative duties are very taxing and interfere with the exercise of "their profession, no lawyer will care to exercise it as a right.

* * * * *

"As in the Legislative Council, so in every other department of public life, it is the "lawyer that most appreciates the benefits of British rule and is keenly alive to "the immense possibilities of improvement therein.

* * * * *

"None will be happier than lawyers to be replaced by others in Honorary "public offices; but from the standpoint of the people whose interests are the first "consideration in any scheme of good Government, it is a suicidal and retrograde "step to arrest the display of public spirit among lawyers. It is a very poor "recognition of the disinterested services of lawyers—not more than half a dozen "for each province—to characterise it as an attempt 'to monopolise power'. I "wish to make it as clear as I possibly can, that the services of Dr. Rash Behari "Ghose in Calcutta, of Sir P. M. Mehta in Bombay, of Sir V. Bhashyam Aiyangar "in Madras, would not have been available to the Government or the people but "for an exalted sense of public duty that they owed them to the country of their "birth. And no land-owner, artisan or trader feels jealous of any influence that "they have exercised in the public cause. As lawyers themselves own lands and "money, I fail to see how the wealthy ryot will make a better legislator because he "is ignorant of law. A solution which will secure for public life capable men of "other classes is to fix a high property qualification combined with a literary "test that the electorate can choose a proper candidate without reference to class or "occupation."

16. The territorial system of voting is far the easier, and if I may say so the more rational, and I venture to submit the following scheme of representation. Assuming that there are seventeen non-official members of whom two will be nominated by His Excellency the Governor, and one each by the Senate, the Chamber of Commerce and the Muhammadan community, there remain twelve seats. I would divide the districts of the Presidency into eleven groups, each of which would return one member, and the remaining seat I would give to the city of Madras. No provision is made for a member of the Planting community under this scheme; and I think it might be advisable either to increase the number of non-official members by one, to provide for this; or else to reduce the number of His Excellency's nominees by one, and give the seat thus set free to the European Planter community. The districts would fall into the following groups:—

(1) South Canara and Malabar.
(2) Nilgiris and Coimbatore.
(3) Salem and North Arcot.
(4) Trichinopoly and Tanjore.
(5) Madura and Tinnevelly.
(6) South Arcot and Chingleput.
(7) Cuddapah, Bellary and Anantapur.
(8) Kurnool, Guntúr and Nellore.
(9) Kistna.
(10) Ganjám and Vizagapatam.
(11) Gódávari.

17. I would suggest that for the purpose of electing the member a district council should be formed, comprising the Municipal councillors, the District and Taluk Board members, Honorary Magistrates, and all persons paying a revenue of Rs. 500; an income-tax of Rs. 250; or combined revenue and tax amounting to Rs. 300. This payment would also be the property qualification of the candidates. Apart from this property qualification, I would allow all B.A.'s a vote; as also all pensioners drawing a pension of Rs. 50 and more. Dismissal from the Government service and conviction by a Court of Justice for a heinous offence would disfranchise an otherwise qualified voter. It must be an essential condition that the candidate should be a permanent resident of the group for which he stands. Muhammadans would be excluded, as they would have their own electorate, and one

man should have only one vote. It has been suggested to me in some quarters that some Government officials other than those already on these bodies should be nominated as electors. But so far from agreeing to this, I would even exclude Government officials from the electorate altogether. The Government is sufficiently represented on the council, without being re-inforced by members elected by official votes, and further I think it undesirable to expose our officials to the discomfort and temptations of the canvas.

18. The general elections should not occur more frequently than once in three years. The district councils of each group should of course meet on the date of the election, the meeting place being alternately in the head-quarters of each district of the group. Voting should be in person and not by proxy. This or some similar system would, I am convinced, be not only more popular, but also more effective in producing the desired class of Councillor. Mr. Hemingway thinks that election by District Councils would result in the election of many landowners, and I think this probable. At all events it must result in the election of persons more in touch with mufassal questions and therefore of persons more likely to be of use as councillors than a council composed as is the present one of Madras lawyers who are also absentee landlords.

19. In conclusion I trust I may be pardoned for repeating my strong conviction that representation by class or profession is impolitic and uncalled for. I may also add that the work of preparing the lists will be enormous, will probably result in corrupt practices, and will prove a very heavy burden to the district officials.

20. As regards Muhammadans it is probably necessary that an exception should be made in their favour at present. Even in their case I think that in the course of a few years they may be merged in the general electorate—not only as electors but also as candidates.

21. I much regret the delay in submitting this report. It is due to the late receipt of many of the reports from my officers as well as from my Indian correspondents.

XXXII

Letter—from R. A. Graham, Esq., I.C.S., Collector of Bellary.
To—the Chief Secretary to Government.
Dated—the 11th February 1908.
No.—R. Dis. 48.

I have the honour to submit my reply to Government Memorandum No 886, Public, dated 22nd November 1907. I have consulted 16 gentlemen, official and non-official, and attached their replies. Some of them deal with only a comparatively local aspect of the proposals and one or two do not seem to have entirely understood the reference; but some of the letters contain, I think, useful suggestions.

2. With regard to the Imperial Advisory Council, suggestions have been made that it should have legislative powers, that it should at least receive legislative recognition, that some of its members should be elected and that a literary qualification should be exacted of its members. So long as the members are nominated the last suggestion is superfluous; the first and third are out of the question, and the second appears unnecessary in view of the functions which the Council will be expected to perform. There seems to be some doubt whether any ruling chiefs of the first class will care to sit upon a Council in which they will be more or less on an equality with persons whom they regard as their inferiors, and this seems to be the only probable defect in the scheme put forward by the Government of India. If the Council were never called upon to meet and it was understood that members would only be consulted individually, selection for membership might be regarded as an honour by any ruling chief, but the actual selection might cause heart-burnings and jealousies. It is possible that the fact of the Council having no powers of legislation or initiation might deprive it of interest for the people generally, but I am not sure that this is of much importance.

3. Few suggestions have been made with regard to the Provincial Advisory Councils. The Government memorandum begins with an assumption that the establishment of Councils is likely to be valuable, or I should be inclined to agree

with those who cannot imagine what such Councils can be called upon to do which cannot be done better by the Legislative Councils collectively or their members individually. Proceeding on the above assumption, however, I am inclined to think that the constitution of the Council should be on a territorial basis rather than on one of occupation. Matters which affect commercial communities and bodies are generally matters of legislation and on the Legislative Councils such bodies can make their voices heard. The chief purpose, I gather, which the Advisory Councils will serve, in contradistinction to the Legislative Councils, will be to make the wishes and intentions of Government known to the people, and this purpose will best be served if the members are representative of classes and sects numerically important in individual localities. I would instance the Lingayats in the Ceded Districts and the Native Christians on the West Coast and the Mappilahs as sects among whom influential people of the right type might be found without difficulty. There would in addition to the Provincial members of the Imperial Council and there should be a few representative ryotwari landholders.

4. The chief criticisms of the scheme for the Imperial Legislative Council are with regard to the inclusion of a ruling chief and there appears to be a good deal in the objections raised to this proposal. Apart from the possibility that the important ruling chiefs would think it derogatory to their dignity to become members, and the probability that, if they did not, the selection of one would cause jealousy, there seems no particular reason why a ruling chief should take any part in legislating for British India. On the other hand there seems to be no reason why the commercial community elsewhere than at Bombay or Calcutta should not be represented. I am inclined to doubt whether any system of election by the Muhammadan community as a whole could be worked and would suggest instead of providing for such election it would be better to make a rule that not less than four members of the Council should be Muhammadans, this number to be made up by nomination if none or only one obtains a seat by election.

5. With one or two exceptions, all the gentlemen I have consulted take exception to the proposal that the elected members of the Provincial Legislative Council shall be elected by separate castes and religions. Their argument generally is that anything which tends to emphasise or perpetuate class and caste distinctions is to be avoided, and in this I agree; but I would go further and urge that a satisfactory application of the principle of election to members of a particular class scattered over the whole Presidency is practically impossible. Any single Muhammadan or Christian must be absolutely unknown to three-fourths of the electorate and will probably know nothing of the wants of his co-religionists elsewhere than in his own district and could not represent his community in the manner in which representation is ordinarily understood. Similarly it would be difficult to find two persons to represent all the zamindars and proprietors, and I do not think that barristers and vakils as a class or Brahmins as a caste need special representation. The scheme proposed is further complicated by the cross restrictions which no doubt would be necessary under it to prevent plurality of votes. It appears to me that, assuming that the number of non-official members is retained at 17, to ensure that Muhammadans and Christians shall be represented the number to be nominated by His Excellency should be raised to four. The Madras Chamber of Commerce and the Senate of the Madras University might be allowed to nominate one member each, but the basis of election of the rest should be territorial. One of the electoral areas should be Madras town and the remaining ten seats should be divided among the rest of the Presidency. It is true that in the past an unduly large number of the gentlemen elected to the Council have been lawyers; but it must be remembered that there has been a tendency among all the best of the educated classes to take to the law as a profession, and there are still comparatively few in any other walk of life who have the leisure as well as the means required firstly to go round canvassing for election and secondly to attend the meetings of the Council or the ability to make themselves useful in discussion. Some after election have perhaps given themselves up to captious criticism of the actions of Government and have sought only notoriety, but many have done useful work. I observe that in the letter of the Government of India it is remarked that the district boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interest and this remark seems to offer a clue to an alternative scheme of reform. I would suggest that the Presidency

should be divided, for the purpose of electing representatives on the Council, into five areas instead of two as at present; that for each of these areas there should be a representative of the municipal councils and a representative of the district boards; and that the representatives of the district boards should be in all cases landowners, that is to say, persons whose primary interest is in the land and who pay a certain minimum amount in cesses on land within the area for which they are to be elected. A power of veto on any election should be reserved to Government.

6. I do not think that at present there should be any system of direct election other than by municipalities and district boards. If any such system is to be introduced it should begin with the election of members to serve on taluk boards, a question which I understand the Government has under consideration. I have therefore not dealt with the question of property qualification; but, generally speaking, I consider the property qualifications proposed too high for the mufassal. I do not think that any literate qualification is necessary either for voting or for candidature. There is no reason why only those who have attained a certain arbitrary standard of education should have a voice in selecting their representatives and there is no likelihood of any but an educated man standing for election.

XXXIII

Letter—from S. P. Rice, Esq., I.C.S., Acting Collector of North Arcot.
To—the Chief Secretary to Government.
Dated—Chittoor, the 12th February 1908.
No.—Dis. 49-R. Ver.

I have the honour to reply to G.O., No. 886, Public, dated 22nd November 1907.

2. It is proposed to have two Imperial and two Provincial Councils, and the Government of India points out that, as the functions of the Legislative Councils are regulated by statute, the Advisory Council's work cannot be performed by the Legislative Council. I cannot view with any favour the multiplication of these consultative bodies. It seems to me that if the Legislative Council is enlarged so as to admit of adequate representation of classes and beliefs, the same body might in another capacity do all the work that it is proposed to give to the Advisory Council.

3. Such a scheme would have at least two advantages. I can hardly bring myself to believe that the Viceroy's Council of ruling chiefs and magnates will be easily assembled. It is not quite clear what is meant by a ruling chief, nor do I know exactly the position of such States as Idar, Patiala or Gwalior. But if "Ruling chiefs" include such potentates as the Maharajas of Travancore or Mysore, these rulers cannot have much interest in the internal administration of British India. They may no doubt pick up some crumbs for home consumption, but that is not the object of the Advisory Council. Suppose it is a question of frontier policy; is it likely that the Raja of Travancore will travel to Simla or Calcutta in order to give advice which may or may not be taken on a subject of which he can know nothing? The Legislative Councils can, on the contrary, very easily be consulted *qua* Advisory Councils when they meet for legislative business. Secondly, what is recommended by the Advisory Council might conceivably be opposed by the Legislative Council should the matter come to legislation, and since both bodies would claim to be representative of India the Government of India would be very much in the position of the old man and the donkey in the fable.

4. Assuming, however, that these Advisory Councils will really be of some use, the question of their constitution remains. I have only a very few criticisms of detail which may be left to the end of this letter. What chiefly concerns us is the constitution of the Provincial Councils. Turning first to the Legislative Council, I do not altogether understand why it is necessary to abandon so completely the territorial system and it is not at all unlikely that the distribution proposed by the Government might result in uneven representation over the Presidency. It seems to me quite possible to combine territorial with class representation somewhat on the following lines:—

Landholders 5; Professional classes 5; Mercantile 5.

Divisions—		
Northern Circars	Ganjám.	
	Vizagapatam.	
	Gódávari.	
	Kistna.	
	Guntúr.	
Centre	Nellore.	
	Chingleput.	
	North Arcot.	
	Salem.	
	Coimbatore.	
South	Tanjore.	
	South Arcot.	
	Madura.	
	Tinnevelly.	
	Trichinopoly.	
West Coast	South Canara.	
	Malabar.	
	Nilgiris.	
Ceded Districts	Bellary.	
	Anantapur.	
	Kurnool.	
	Cuddapah.	
Madras University		1
Chamber of Commerce		1
		17

In order to secure fair representation to Muhammadans or other classes which might be crowded out, I would allow His Excellency the Governor to nominate three of these, one from each class taking the divisions in rotation and arranging that no division shall remain with less than two elected representatives. It may be objected that in practice this will give a preponderance to the mercantile and professional classes, for the Chamber of Commerce is represented by a merchant and the University by a professional man, probably a lawyer, so that the virtual composition of the Council would be—

Landholders	5
Lawyers and publicists who alone are likely to be elected	6
Merchants	6
	17

It would be a sufficient safeguard if the names of candidates selected were sent for acceptance by Government, so that lawyers could not come in as landholders, or these latter as merchants. I do not altogether understand why class representation need be confined to classes and why the whole electorate cannot be allowed to vote in each of the classes. This might of course result in a trader getting in through the canvassing of his lawyer friends who nevertheless was distasteful to the trading community, but on the other side must be put the accentuation of divisions among the people.

5. As regards the Advisory Council and the rules which Government has promulgated, I have no wish to embarrass the Government by adding to the wealth of detailed criticism with which no doubt they have already been favoured. In my opinion with a Legislative Council framed on the above lines no Advisory Council is necessary at all. Assuming that the Provincial Advisory Council is formed much on the lines suggested, the distribution might roughly be made on the lines of class representation:—

Viceroy's Council	5
Small landholders	5
Madras City	1
Mufassal trade and commerce	4
Professional classes	4
Non-official Europeans and retired servants of Government	3
	22

These should be nominated by His Excellency the Governor. Frankly, however, I do not believe in this or any other Council with advisory functions alone, and I adhere to my opinion that the seventeen members of the Legislative Council can very well form the Advisory Council also. If they are representative of the country, they are fitted for the duties. If they are not, they should not form the Legislative Council.

6. The principles suggested by the Government of India for the constitution of the electorate seem well considered, but the electoral franchise has been fixed too high for the province. The franchise should be fixed in the case of landholders rather on income than on land revenue, because peishcush varies very greatly. In this district the petty estate of Thumba pays about three-fifths of the amount paid by the jaghir of Arni with about fifty times the revenue. It will be difficult to find an electorate of 100 to 150 members paying Rs. 10,000 to Government or possessing an equivalent income. Similarly there are very few Muhammadans (exclusive of firms) who have an income of Rs. 25,000 or who pay land revenue of Rs. 7,000 to Rs. 8,000 which I consider to be about the equivalent.

7. I append a few criticisms on the details of the scheme—

Viceroy's Legislative Council, E.—I see no reason to fetter the discretion of the Viceroy by prescribing that two members should be Muhammadans.

F.—As experts are to be nominated for special purposes only, they are practically official members and this raises the proportion of officials to 31 out of 54.

D (a).—The Madras Chamber should also be represented.

Government memorandum, paragraph 1.—Land-cess should be included but not miscellaneous revenue which is very fluctuating.

Annexure, paragraph 7.—Some sort of literate qualification is necessary. The experience of District Boards is that members who do not understand the proceedings are not of great value.

8. These remarks are necessarily crude as the time allowed for discussion is so short. They are purposely general as I do not want to add to the detailed criticism with which the Government is probably overwhelmed. Enclosed are the opinions of local men whom I have consulted.

Enclosure No. (1).

Letter—from the Raja of Kalahasti.
To—the Collector of North Arcot.
Dated—the 20th January 1908.
No.—Dis. 69.

In acknowledging receipt of your reference on No. 562-B. & G. of 1907, dated 6th December last, calling for my opinion on the establishment of Imperial and Provincial Advisory Councils, and the enlargement of the existing Legislative Councils, as directed in G.O. (Public Department), No. 886, dated 22nd November 1907, I beg to thank you, in the first place, for inviting my opinion as one of the "Selected Zamindars" in this district and thus giving me an opportunity of stating my views on the matters referred to.

2. Perhaps it is needless for me to recount the loyal traditions of the ancient house to which I have the honour to belong, traditions which happily are mixed up with the very foundations of the British Empire in India and in which I, as representing the Kalahasti family, take a justifiable pride. I would only trouble you with two short extracts here, taken from recognised publications:—

At page 216 of the North Arcot District Manual, it is stated: "In the middle of the seventeenth century, the Kalahasti Poligars had possession of the country as far as Madras and Conjeeveram on the east and Wandiwash in the south and from one of them named Damerla Venkatadri Naidu, Mr. Day in 1639 obtained the grant of Chennakuppam, a small fishing village north of Mylapore, where, after obtaining a sannad from the Rajah of Chendragiri, he built Fort St. George. Part of the agreement with the Poligar was that the new settlement should be called Chennapatnam after his father Chennappa Naidu. The earliest sannad produced by the Poligars at the cession was one granted by the Emperor Aurangazib which showed that they held their estate upon a military tenure, being immediately subordinate to the Arcot Nabob and bound at his summons to appear in the field with 5,000 armed footmen. Their military power was always considerable."

Again, we find in the District Manual of Nellore (page 441) :—

"Mr. Francis Day, who was then chief of the factory, proposed a move to the south of the Dutch Settlement of Pulicat and in 1639 A.D. an amicable arrangement was made with the local Naick or Chieftain, Damerla Venkatadri Naidu, Raja of Kalahasti, by which the English were allowed a small settlement at a Kuppam or fishing village, which became Madras."

3. It is therefore with particular pride and gratitude that I recognise in the resolution of the Government of India, their declaration to associate with themselves and with the Provincial Governments, in their deliberations for the common welfare of the country, the landed aristocracy of India, composed of ruling chiefs and territorial magnates. The Imperial and Provincial Advisory Councils suggested for the purpose have, accordingly, my warm support and I have no doubt that when they are duly established, their utility would be at once made manifest. Regarding their constitution and functions, the general scheme now prepared therefor by the Government of India seems to be the best suited in the present interests of the country and I am of opinion that, after some experience is gained of the actual working of these Advisory Councils, any changes that may be considered necessary may be made in them.

4. I may, however, state here that I fail to see any real distinction between ruling chiefs and territorial magnates for purposes of the said Advisory Councils, though much has been made of it recently in the press. A close examination of the past history of India will show that many of these territorial magnates, who mostly belong to the zamindari class, were once ruling chiefs within their own spheres under previous Governments, and for a considerable period under the British Government also. Any changes caused in their status and position for political reasons, ought not, in my opinion, to weigh against them as class, as against ruling chiefs. If the avowed policy of the present the Right Honourable the Secretary of State for India to give greater freedom to Native States be extended to its logical conclusion, there may be a time when several competent zamindars may get restored to them the powers which they have once lost, nor is it to be imagined that ruling chiefs will continue as ruling chiefs for ever, as it will rest with the paramount power to deal with them, as it thinks proper, as occasion arises. In the domestic economy of the Hindus, as a whole, it is a significant fact that however much their present status as ruling chiefs or zamindars may differ, their style of address is the same, their regal accompaniments the same (in however small a degree) and even the rituals performed the same. The Government of India having wisely determined upon a property qualification as a basis of the scheme, it seems to me that no real distinction need be drawn between ruling chiefs and territorial magnates.

5. In one way, it even appears to me that the zamindars, as a class, are better exponents of the people than the ruling chiefs themselves. Born with true instincts of a Raj, and in no way inferior to the mental capacities of rulings chiefs, they move in a humbler sphere and are therefore in greater touch with the people. They can alike sit with the ruling chiefs in the Imperial Council and with the lesser folk proposed for the Provincial Councils and make themselves useful in a double capacity.

6. I cannot refrain from observing here that the so-called educated middle class who have no permanent stake in the country and no property qualification to boast of, are neither the exponents of the landed aristocracy or of the masses in general. It pains me to think what all they have done in recent years to estrange the rulers from the ruled and though, as a growing body, they may be entitled to representation on the Councils of the Empire, they cannot, in my opinion, be considered to have that prestige of leadership and the soundness of views affecting the general welfare of the country as the landed aristocracy can be expected to have.

7. I venture to express the hope that knowledge of English is not considered a necessary qualification for nomination to the Imperial or Provincial Advisory Councils. The landed aristocracy of India is literate in its own way, though as a body it has not come up to modern ideals. But as the object aimed is the eliciting of opinion and advice on the proposed measures of Government, as also the diffusing of correct information regarding their acts, intentions and objects, I consider that the want of a common language, however useful for the transaction of business, should not be held as an impediment to fully utilize the services of the big land owning classes. The Government have only to consider what familiarity the rulers have acquired of the vernaculars of the country, during their long rule, before they can point their finger at a non-English knowing aristocrat. It seems to me further, that as the Advisory Councils are, for the present at any rate, required to be "private informal and confidential", there would be no difficulty whatever in the transaction of business, if only such aristocratic members are allowed to have their Private Secretaries or other confidential assistants with them, through whom to express their views. Indeed, I fail to see how a common language is, at any time, a desideratum for the said Councils, as in the Continental Councils representatives of different nations and speaking different languages meet on a common platform and conduct their deliberations.

8. The next point upon which my opinion is invited is with reference to the enlargement of the existing Legislative Councils in India, both Imperial and Provincial. I may say at once that I am not particularly enamoured of these proposals, as in my opinion, the proposed Advisory Councils will do more good to the country than these Legislative bodies. The true functions of the former lie in persuading the Government to do what is in the best interests of the country

and the Government, though absolute, is always beneficent and tries to remove real evils pointed out. In the Legislative Councils, on the other hand, the non-official members may make a show of their statutory rights, but are powerless to carry any point against the Government. Often the feelings between the rulers and the ruled get embittered by such assemblies. I may also state that the Indian polity knew of no Legislative Councils in its time. It was no doubt the duty of the people to advise the king and of the king, to seek the advice of his people, but the king was left unfettered in the promulgation of his laws. I therefore maintain that these Legislative Councils are of doubtful utility.

9. But the Legislative Councils having become an accompaniment of modern civilization, the Government, sympathetic as it is, is doubtless justified in seeking to improve their working. I am inclined to think that the programme sketched by the Government of India for the Imperial Legislative Council, as also the programme sketched by the Madras Government for the local Legislative Council, is more than ample for the present needs of the country, and I have no special remarks to offer under these heads.

10. Once more thanking you for the opportunity you have given me for expressing my views on the above matters.

ENCLOSURE No. (2).

Letter—from AJITARAPH KAMBINAYANI JAVVAJI SUBBARAJU NAYUDU, Samastanam Kangundi Varu Sallamula Huthallah. Kangundi Zamindar's office, North Arcot district, Pannagasayana Buildings.
To—the Collector of North Arcot.
Dated—Camp Kuppam, the 3rd February 1908.
No.—G. 53.

In reply to your letter No. 562, dated 6th December 1907, inviting my suggestions on the several questions raised in G.O., No. 886, dated 22nd November 1907, I have the honour to submit as follows :—

I understand the matters upon which such suggestions are invited to be—

(*a*) The constitution and working of the Imperial Advisory Council,
(*b*) The constitution of the Provincial Advisory Councils,
(*c*) The constitution of the Imperial Legislative Council, and
(*d*) The constitution of the Provincial Legislative Councils.

Constitution and working of Imperial Advisory Council.

2. Every subject living in India must be grateful to the Government which has proposed the establishment of such a Council. The great difficulty which the Government of India has been undergoing in making their measures and motives understood and in correcting erroneous opinions formed, by their subjects, will be removed by the establishment of the proposed Council.

3. As regards the constitution of this Council, I beg to state that according to paragraph 5, clause (3) of the letter from the Government of India quoted in the Government Order under reference, this Council should consist of about 60 members, including 20 ruling chiefs and a suitable number of territorial magnates of different provinces. I presume it is not intended to exclude from the Council representatives from the mercantile and industrial classes and the great body of eminent men of high culture in whom both people and Government keep confidence and who, in my opinion, ought also to be included in this Council. This presumption is based upon the statement made in paragraph 2 of the letter from the Government of India which runs thus : " no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of moderate men who under existing conditions have no sufficient inducement to enter public life and find but little scope for the exercise of their legitimate influence." I would suggest that out of 60 members that constitute the Council, 10 to 15 may be from among the class of eminent men of high culture whose position in life and strength of character befit them to a place in the Council apart from those that represent the landed aristocracy or the mercantile or industrial classes.

4. I presume also that the Government of India reserves to itself the power of removing any member whom it has once nominated before the period of his nomination expires. This reservation of power is, in my opinion, absolutely necessary.

Constitution of Provincial Advisory Councils.

5. As regards the constitution of Provincial Advisory Councils it is stated in paragraph 6 of the letter from the Government of India that besides the great landholders who are the Provincial members of the Imperial Advisory Council, the Council should consist of representatives of the smaller landholders, industry, commerce, capital and the professional class. The Government of Madras in paragraph 2 of the annexure suggest that the Council may consist of 20 or 25 members. Taking it that the number of representatives from each province in the Imperial

Council who will necessarily be members of the Provincial Council to be 5, the remaining 15 or 20 will have to be appointed by His Excellency the Viceroy on the recommendation of the Local Government. The total population of Madras Presidency is about 38 millions and of these about $2\frac{1}{2}$ millions are Muhammadans and about $1\frac{1}{2}$ millions are Native Christians. In order to represent the interests of these classes one member for the Muhammadans, one for Native Christians and three for Hindus (one being a Brahman) might be nominated. Out of the remaining 10 or 15 members, an equal number might be nominated to represent (1) the smaller land-holding class, (2) the commercial, the industrial, the moneyed classes, and (3) the professional classes.

Constitution of Imperial Legislative Council.

6. As regards the constitution of this Council, I submit that the proposal in paragraph 12 of the letter of the Government of India is calculated to lead to great dissatisfaction and is liable to be misconstrued as favouring one class of His Majesty's subjects at the expense of others. There are, under the proposal, four seats given for Muhammadans, two by election and two by nomination. While the privilege of class representation is thus expressly conferred upon the Muhammadans, no such privilege is conferred upon the other classes of the subjects. It is also stated in paragraph 19 of the Government of India's letter that a certain number of Muhammadans may also be returned under clause (*b*) of head D of paragraph 12. Taking such number to be two, there will thus be at any rate not less than six Muhammadan non-official members who will have seats in the Imperial Legislative Council out of 22 members representing heads D and E. If to this is added the Muhammadan member who may be returned under clause (*c*) of head D, the Muhammadan representation comes to a third nearly of the heads D and E, not to speak of any officials that may be nominated. The Muhammadan population in India is only about 53 millions, while the other classes come to about 180 millions. When the Government is solicitious about the representation of the Muhammadans, no efforts are made that the other classes should be sufficiently represented.

7. Further, while the Government recognise that the privilege of election should be conferred upon the trading and professional classes with incomes exceeding Rs. 1,000 a year and the registered graduates among the Muhammadans, the trading and professional classes among other classes of the population notwithstanding they form the largest contributors to the Government treasury in the shape of income-tax have not similar privilege of election. Of course, as will be observed, no privilege is conferred upon the registered graduates among other classes. In my humble opinion, the separation of Hindus and Muhammadans by classes and the special treatment of the latter by legislative recognition will not be in the interests of good Government.

8. In clause (*a*) of head D the Chamber of Commerce, Madras, and the planting interests are excluded.

9. In the light of the above observations, I beg to suggest the following arrangement of heads D, E, and F of clause (1) of paragraph 12 of the Government of India letter :—

D. Elected members—

(*a*) by the Chambers of Commerce, Calcutta, Bombay and Madras, and the planting interests in different provinces	3
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7
(*c*) by the nobles and the great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	7
(*d*) by persons whose incomes are not less than Rs. 10,000 a year and by the registered graduates of the different Universities of India; provided that in case of Muhammadans the income is not less than Rs. 1,000 a year and provided also that not less than two elected by these are Muhammadans	6
(*e*) Experts or persons to represent minorities or special interests to be nominated by the Viceroy in special cases	2

Constitution of Provincial Legislative Councils.

10. As regards the constitution of these Councils, the scheme suggested by Local Government proceeds upon caste distinctions which the Government should avoid. The scheme should also, in my humble opinion, proceed upon a more liberal policy than at present proposed to be adopted and must suit the advancing requirements of the time. The qualifications and restrictions suggested in clauses (*b*), (*c*) and (*d*) of the annexure to the Government Order under reference are, in my humble opinion, calculated to unduly restrict the free exercise of the privilege which the people of this Presidency have been accustomed to exercise in other cases and are further not calculated to perpetuate the good policy of Government.

11. With regard to clause (*f*) of paragraph 6 of the annexure, it is necessary, I beg to submit, that the elected members should be literate and should possess a knowledge of English as an essential qualification.

12. I submit that the election of non-officials may be in the following manner:—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) Selected by the registered graduates of the University	1
(*d*) Selected by Barristers, Advocates, Vakils and certificated Pleaders ..	1
(*e*) Selected by zamindars, proprietors of permanently-settled estates, Janmis of Malabar, inamdars of wholly alienated villages and land-owners, not being members of class (*d*)	2
(*f*) Selected by Muhammadans who are either graduates of five years' standing or pay a sum of Rs. 50 revenue to Government for land held by them or paying an income-tax	1
(*g*) Selected by Christians	1
(*h*) Selected by all other classes of persons paying an income-tax to the Government on an income of not less than Rs. 3,000 or paying taxes to a Municipality of not less than Rs. 150 a year	8

I request in conclusion that the delay in the submission of the reply will be excused.

XXXIV

Letter—from L. M. Wynch, Esq., C.I.E., I.C.S., Collector of Tinnevelly.
To—the Chief Secretary to Government.
Dated—the 13th February 1908.
No.—R.O.C. 529/G.B.-Ver.

I have the honour to submit my reply to G.O., No. 886, Public, dated 22nd November 1907.

2. Before expressing my opinion on the proposals put forward in the Government order, I should like to offer a few remarks on paragraph 10 of the letter of the Government of India read therein. The Government of India lays down the proposition that the principle of a standing majority is not an open question and that it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. The enquiries I have been making confirm that conclusion but they have raised in my mind a question as to whether a standing majority is the best and only possible means of securing the object which is admittedly right and fundamental. It seems to me that the appointment of a numerical majority of officials tends to the creation of an erroneous public opinion as to the position and functions of the non-official members and to foster the idea that the latter form a sort of permanent opposition.

The maxim, one vote one value, can scarcely be held to apply in the Council Chamber wherein the votes of the non-official members cannot represent in the majority of instances a range of experience or a minuteness of study of conflicting interests comparable to that of the official members. In the ideal chamber in which every interest is duly and proportionately represented the decision of a question by the process of counting heads must be final and conclusive, but the Legislative Council is not constituted in that fashion.

The non-official members are there to represent particular classes and interests, the official members are representatives of the whole official machinery of Government. Is there no other way of asserting this fact than the appointment of a majority of officials?

In paragraphs (*d*) (*v*) of the notification, Government appear to have accepted the idea of representation by electoral areas. Suppose six non-official members to be returned accordingly, must seven officials be summoned from the same areas to outvote them? The officials from the same areas would really represent a larger number of the inhabitants by virtue of the machinery which the official has at his command for collecting opinions from all classes from the highest to the lowest.

The opinions of these officials would be known to the members of Government and the members of Government should, so to say, be considered the proxies of these officials.

The maintenance of the principle of the numerical majority imposes too narrow a limitation on the representation of the vast diversity of classes, races and interests in the empire or the province. The demand for increa sed representations is bound

to grow and will probably have to be admitted and it seems to me exceedingly doubtful if the numerical majority can be extended in proportion and that the time must therefore come when it will have to be abandoned.

The question I would ask therefore is this, would it not be the part of wisdom to try and devise now some other method of securing the essential condition of the maintenance of the executive authority of Government—which would not be hampered by any such artificial limit as that of the possibility of providing an official vote to counterbalance every additional non-official vote admitted.

With the enlargement of the councils a defect which I have heard mentioned seems likely to become still further accentuated, and that is the predominance of debating and oratorial power on the side of the non-officials—which results in this that the educated native when he comes to read in his paper the reports of debates in council finds as he thinks all the eloquence and all the weight of argument on the one side and on the other merely the brute force of the official majority.

His Excellency the Governor already possesses the power of veto the necessity for which is recognised and admitted and it has within recent memory been exercised in this Presidency. Would it not be possible to extend that principle to the earlier stages of debate in council and rule that Government should have the power of rejecting a partisan vote in council ?

The absence of a partisan spirit and of partisan voting has been conspicuous in the recent debates in the Madras Legislative Council and I am strongly inclined to believe that that desirable attitude on the part of the members of the council would be encouraged rather than jeopardised if it were seen that Government did not rely on an official majority to enforce its views.

The extended application of the power of veto would emphasize more strongly the fact of the ultimate responsibility of Government. It would maintain the authority of Government as effectually as the numerical majority. It would serve to define more clearly the functions of the Legislative Council as an advisory body and it would render possible the grant of a wider representation to the people.

The increase of the number of non-officials on the Madras Legislative Council to 17 as proposed in the scheme is not, I take it, recognised as adequate for the Presidency, but yet it seems to be very nearly if not quite the maximum increase that can be granted subject to the limitation that there must be a preponderance of officials.

Coming now to the consideration of the question how the increased number of seats whatever that may be can best be allocated so as to provide for the due representation of the diverse classes, races and interests I think it should not be too readily admitted that the large majority of non-official seats should be filled by election.

The elective principle is the *fetish* and the *shibboleth* of the educated classes but in its practical working it does not command very much respect. The district association is not based on it, and it has not hitherto been systematically employed as the means of selecting delegates to Congress. It is not regarded as having been a great success as applied to Municipal elections. The arts of self-advertisement, wire-pulling misrepresentations and canvassing which are the attendant evils on the elective method, find many and apt pupils and tales are told even of elections held by the Senate and the District Boards and Municipal Councils for the Legislative Council. It is not only amongst the Muhammadans that men are to be found whose self-respect would not allow them to offer themselves to the suffrages of electors.

I find no difficulty in ascertaining the names of men of weight and influence with their respective communities who could be replied upon to give sound advice but when I ask the further question would these men come forward and stand for election, the answer is a decided negative or only a very hesitating affirmative.

The big landlords and territorial magnates have taken very little part in political life. They have not, so far as I am aware, raised any objection to the present system under which their representative is nominated by His Excellency the

Governor. Nomination is far more in consonance with their traditions of dignity and self-respect and of the proper attitude towards them of the paramount power. They are not in the habit of associating with one another. A remarkable feature of the gathering of notables on the occasion of the visit of His Royal Highness, the Prince of Wales, to Madras was their ignorance of each other. His Excellency the Governor held two small receptions for the purpose of making their acquaintance. It was the first time many of them had ever met together and the services of the interpreters present were required almost as much by the zamindars between themselves as by His Excellency.

Similar remarks would apply, I think, to the case of the Muhammadans. They are not a large or influential community in this district and I have had no opportunity of discussing the question with men whose opinion might be expected to carry weight, but as in this district so in the Presidency they are pretty sharply divided into Mussalmans of foreign extraction and Hindu converted to the faith of Islam. There is very little cohesion or general public spirit amongst them and I am very doubtful if a constituency could be formed of Mussalmans scattered throughout the Presidency which could be expected to cast a vote based on any real knowledge of the character and attainments of the candidates.

The Muhammadans have not yet taken in this country to any great extent to the art of canvassing with all its concomitant evils. Is it advisable or necessary to encourage them to do so?

As with the zamindars so with the Muhammadans at present a seat on the Legislative Council is valued for the prestige and the dignity thereby conferred on the recipient of the honour of nomination rather than for any purpose of advantage to the community at large and it seems to me that a larger public spirit and deeper interest in political affairs would be promoted to a greater extent by fostering associations to which His Excellency the Governor might eventually turn for advice as to a suitable candidate than by giving votes to a very scattered body of electors, who would have few, if any, opportunities of meeting together and exchanging their views.

I am of opinion that it is not necessary or even feasible to give an elected seat to the Christian community. It would scarcely be possible for all the various sects amongst them to agree upon a representative and no single person could adequately represent the various Christian communities scattered throughout the Presidency.

The idea of constituting separate electorates to return representatives of (*a*) Brahmins, (*b*) other castes, is not, I believe, generally acceptable.

Members of the non-Brahman castes would undoubtedly like to have more seats on the Council but the idea of giving them a separate electorate for the purpose is unpalatable to the predominant element in educated Indian opinion. To my mind the main objection is the practical one. The proposed constituency is far too large for candidates and the majority of electors to have any chance of really knowing one another. And the inevitable result would be to drive would-be candidates to seek newspaper notoriety, to put a premium on the acts of the agitator and to necessitate the employment of election agents and canvassers which should be discouraged in this country by every possible means.

Applying the general principles enunciated in the foregoing paragraphs to the detailed scheme for an enlarged Legislative Council as suggested in paragraph 6 (*a*) of the Government Order should keep—

	Seats.	
For His Excellency's nomination	2	
For His Excellency's nomination out of the class of zamindars.	2	
For His Excellency's nomination from amongst Muhammadans.	2	
For the Senate	2	(One European).
For Citizens of Madras	1	
For election by the following electoral areas	8	
Total ..	17	

Note.—I have given two seats to the Senate in preference to one to the vakil class. This extra vakil is unnecessary and I would suggest that one of the two University seats should be for a European non-official.

Electoral areas.

A.	Ganjám	1	A landholder.
	Vizagapatam		
	Gódávari	1	A pleader.
	Kistna		
	Guntúr		
B.	Bellary	1	A landholder.
	Kurnool		
	Anantapur		
	Cuddapah		
	Nellore	1	A pleader.
	Chingleput		
	Madras		
	North Arcot		
C.	Salem	1	A landholder.
	Coimbatore		
	South Canara	1	A pleader.
	Malabar		
D.	South Arcot	1	A pleader.
	Trichinopoly		
	Tanjore		
	Tinnevelly	1	A landholder.
	Madura		
		8	

As far as I can gather the desired result could be obtained without splitting up the electorate by simply requiring that the candidate elected should represent the non-Brahmin-non-practising pleader community. This suggestion was made to me by a Brahman pleader after consultation with some of his friends. I believe that the best way of securing a due proportion between pleaders on one side and landholders and other professional classes on the other, would be to require the electorates of the areas I have specified to elect them in rotation, the areas being grouped for this purpose as I have indicated by the letters A, B, C, D, the minor groups returning landlords and pleaders alternately.

Election for the major groups might be made synchronous as far as possible and a retiring councillor of one minor group should be eligible for election by the other minor groups so as to preserve as far as possible equality between landholders and pleaders and at the same time admit the possibility of a councillor being re-elected.

The papers which I forward herewith indicate *passim* the difficulties of securing that each individual vote should have an equal value throughout the Presidency or even that the numbers of votes in each electoral area should be equal. It has been represented to me that it is by no means essential to attempt to secure this. What is wanted is a fair representation of all parts of the Presidency. The view of the people of Madura, for instance, can as well be represented by one man as two. The question only becomes of importance when the question of voting power in the Legislative Council is imported into the discussion and I have already expressed my opinion that partisan voting should be repressed by the power of veto to be vested in the Governor instead of being counteracted by the appointment of an official majority.

What should be the qualification for an elector is a very difficult question. The simplest solution of the matter would, I think, be to lay down certain broad qualifications which should *ipso facto* entitle to a vote and for the rest to empower Collectors within certain limits to nominate additional voters:—

E.g. Graduates over 5 years' standing.
Members of District Boards.
Members of the Municipal Councils.
All zamindars paying peshkash of over Rs. 5,000.
All income-tax assessees.
All Honorary Magistrates.
Retired Government officials of and above the rank of Deputy Tahsildars.

Ryots and landlords not included in any of the above classes would have to be nominated by Collectors. I do not see any way of fixing a limit of payment of land revenue or income-tax which could be applied to all districts. An electorate so

constituted may be thought too unwieldy. I have not had sufficient leisure to spare to go into this question more thoroughly. It will be found discussed at greater length and supported by figures to a certain extent in the note of Mr. Mascarenhas, my Personal Assistant.

The question whether officials should be allowed to vote is not raised in the papers under reference. It seems to me that it would have to be settled and I see no adequate reason why they should not vote.

Finally I believe it would be a wise plan to increase the number of seats to be filled by nomination by His Excellency the Governor, if necessary at the expense of some of the official seats. I would not reserve these seats for any special class, caste or minority but simply for the best men His Excellency could find in view of the fact to which I have already alluded that there are many such who would be useful Members of the Legislative Council but who would not employ the arts necessary to secure their return by election.

The influence of the pleader is growing day by day and must continue to do so. As the ryot class become educated and frequent the towns and send their sons to schools and colleges they necessarily tend to fall more and more under their influence. It is much the same with the traders. The only antidote that I can suggest is to seek out and bring to the front the best men in other walks of life whose professions do not attract naturally so much notoriety and I would welcome the proposal to form an Advisory Council as a valuable means to this end.

Appointments to the Advisory Council should be made exclusively by nomination and to enable His Excellency the Governor to do this, I would require Collectors to nominate for his selection the best men they could find in their districts. This would of itself have a good effect in stimulating Collectors to find out the men of influence who do not naturally seek to obtain notoriety.

I would not be in a hurry to lay down any definite lines for the employment of this Advisory Council. I believe that His Excellency Lord Ampthill derived considerable benefit from the small informal gatherings of Indian gentlemen whom he invited to Government House from time to time. The selection of individuals to have the honour of such invitations was not always an easy task, but the appointment of an Advisory Council would remove all such difficulties, it would probably be quite feasible to summon them for an informal meeting with His Excellency and the Members of Government, say twice, during the cold weather residence of the Government in Madras. Such informal gatherings to be followed if occasion required by a formal meeting and I imagine it would not be long before His Excellency would find occasion for such meetings.

Then from amongst the Members of this Advisory Council, His Excellency would probably find little difficulty in selecting men to fill (nominated) vacancies on his Legislative Council.

The prospect of ultimate nomination to the Legislative Council would make the position of Advisory Councillor attractive apart from any formal meetings and publication of proceedings. Without some such prospect the Advisory Council would not, I fear, attain much prestige or respect. The formal business and procedure and sphere of influence of the Advisory Council are questions which might very well be postponed, till some experience has been gained.

I should not make Members of the Legislative Council Ex-officio Members of the Advisory Council. And the proceedings of a formal gathering should, I consider, be made public.

I forward herewith the opinions of my Divisional Officers together with those of the gentlemen, official and non-official, who have been consulted by them and myself.

The Zamindars of Ettayapuram and Singampatti have not yet replied to my invitation to favour me with their views.

Besides perusing the opinions herewith submitted, I have discussed the question with several Indian gentlemen notably—The Hon'ble Mr. Gurusawmi Aiyar, Mr. Sundara Sastri (Public Prosecutor), Mr. Varada Rao (Sub-Judge, Tuticorin),

Mr. Doraiswami Aiyangar (Estate Collector, Uttumalai), Mr. P. Aiyaswami Mudaliyar (District Munsif, Ambásamudram), Mr. Paul Appasawmy Pillai (Native Christian Bar.-at-law), Mr. P. M. Kailasam Pillai (Late Chairman, Tinnevelly Municipality).

There are many points on which I feel that more time for thought and discussion would have enabled me to offer a sounder opinion and my Divisional Officers all say the same. The daily duties of a District Officer nowadays impose very narrow limits on the time available for the proper discussion and consideration of so important a set of questions as those submitted in the papers under reference.

Letter—from L. M. WYNCH, Esq., C.I.E., I.C.S., Collector of Tinnevelly.
To—the Chief Secretary to Government.
Dated—the 17th February 1908.
No.—D. Dis. 238-Ver.

In continuation of my letter No. 529-G.B./Ver. of 1907, dated the 13th February 1908, I have the honour to forward herewith, in original, the opinions of certain gentlemen on the question of Advisory and Legislative Councils together with a précis.

ENCLOSURE.

Abstract of opinions on Advisory and Legislative Councils.

The proposed reforms are generally welcomed, but are considered by a few (*a*) to go not far enough. A suspicion however is reported from (*b*) one-quarter that they are not *bonâ fide*, and are only an attempt to shelve indefinitely the grant of representative Government.

(*a*) Mr. Rangaswami Aiyangar.
,, Sundaraparipurna Aiyar.

(*b*) Report from Mr. Bracken.

(*c*) Mr. Sundara Sastri.
,, Mascarenhas.
,, Paul Appaswami.
,, Muhi-ud-din Kadiresa Marakkayar.
,, Ponnambalanatha Mudali.

(*d*) Mr. Somasundara Sastri.
,, Mascarenhas.
,, Ramachandra Aiyar.
,, Velayadum Pillai.
,, Srinivasa Aiyangar.
,, Rungasami Aiyangar.
,, Cruz Fernandez.
,, Sankaranarayana Pillai.
,, Muhi-ud-din Kadiresa Marakkayar.
,, Ponnambalanatha Mudaliyar.

(*e*) Mr. Mascarenhas.
,, Ramachandra Aiyar.
Rev. Canon Margoschis.
Mr. Rangaswami Aiyangar.
,, Kuttalam Pillai.

(*f*) Mr. Edgington.
,, Somasundara Sastri.
,, Ramachandra Aiyar.
,, Raghunatha Rao.

(*g*) Mr. Mascarenhas.
,, Paul Appaswami.

(*h*) Mr. Edgington.
,, Bryant.
,, Somasundara Sastri.
,, S. Rangaswami Aiyangar.
,, Muhi-ud-din Khan Lodi.
,, Srinivasa Aiyangar.

(*i*) Mr. Bryant.
,, Bracken.
,, Somasundara Sastri.
,, Mascarenhas.
,, S. Rangaswami Aiyangar.
,, Ramachandra Aiyar.
,, Paul Appaswami.
,, Srinivasa Aiyangar.
,, K. Rangaswami Aiyangar.
,, Sankaranarayana Pillai.
,, K. Raghunatha Rao.
,, Kuttalum Pillai.
,, Subba Naicker.
,, K. Ramachandra Aiyar.
,, Kadirisa Marakkayar.
,, Ponnambalanatha Pillai.
,, J. Dharmaranga Raju.

2. It is the general opinion of those consulted that the Advisory Councils should be given the privilege of (*c*) initiative; that they should give collective opinions (*c*); that their proceedings or at least their conclusions should be made (*d*) public so that they may not be suspected to be a secret intelligence department; that ruling chiefs (*e*), assuming that they do not consider it derogatory to their dignity to sit in the Councils, are not sufficiently acquainted with the details and needs of Indian administration to be of any practical use as Councillors; and that in their place, room may be found for retired (*f*) High Court Judges and other high officials, and distinguished Indians of experience and knowledge of public affairs.

3. As regards the work of these councils, it is suggested that they may be availed of to explain the policy of Government, to discuss the budget and to answer interpellations, so that the Legislative Councils may be restricted to purely legislative business. Among subjects upon which they may be consulted are the following (*h*):—

(*a*) prospective legislative enactments,
(*b*) plague and famine administration,
(*c*) forest administration,
(*d*) reforms in education and agriculture,
(*e*) development of new industries,
(*f*) separation of judicial and executive functions,
(*g*) extension of railways and irrigation works,
(*h*) working of District Municipalities and Local Boards,
(*i*) revision of Revenue Settlement.

4. The system of representation according to castes and classes is condemned (*i*) by almost every one as being inexpedient, mischievous and impracticable. Election by districts (*i*) or homogeneous tracts is preferred. The property qualifications proposed by the Government are (*i*) considered to be too high and in fact are shown by means of (*k*) figures to be unworkable in the Madras Presidency. Some point out the necessity for (*i*) reducing these property qualifications and combining them with (*i*) educational qualifications, and some urge that interests and occupations should be represented, whilst (*l*) others lay stress on the fact that it is the ryot and small land-owner who requires to be represented and is ignored altogether in the scheme. The (*m*) zamindars cannot manage their own estates properly and stand low in popular esteem. Even (*n*) lawyers represent the ryots better than these territorial magnates by reason of their high attainments, their training in public life and their daily conduct with the people in the exercise of their profession. Attention is drawn to the circumstance that contrary to the wishes of the Government of India, the Madras scheme (*o*) deprives local boards and municipalities of their right of returning certain members to the Legislative Council. Various (*p*) suggestions are accordingly made for the redistribution of the non-official seats. Since the Governor, the Viceroy and the Secretary of State possess the right of (*q*) veto, there can be no harm in allowing three-fourths of the members to be non-officials and two-thirds to be elected.

(*k*) Mr. Mascarenhas.
,, N. S. Ramachandra Aiyar.
,, Ramanujulu Nayudu.
(*l*) Mr. Bracken.
,, Mascarenhas.
,, Muhi-ud-din Khan Lodi.
,, Srinivasa Aiyangar.
(*m*) Mr. Ramachandra Aiyar.
(*n*) Mr. Bracken.
,, Mascarenhas.
,, Ramachandra Aiyar.

(*o*) Mr. Edgington.
,, Ramachandra Aiyar.
,, Srinivasa Aiyangar.
(*p*) Mr. Edgington.
,, Somasundara Sastri.
,, K. Ramachandra Aiyar.
,, J. Dharmaranga Raju.
(*q*) Mr. Subba Naicker, zamindar.
(*r*) Mr. Edgington.
,, Bryant.
,, Bracken.
,, Mascarenhas.
,, Muhi-ud-din Khan Lodi.
Rev. Canon Margoschis.
Mr. Srinivasa Aiyangar.
(*s*) Mr. Bryant.
Rev. Canon Margoschis.
,, W. T. Rewell.
,, A. Young.

5. Gentlemen (*r*) whose opinions are entitled to weight are inclined to think that nominations by Government will give better results than election by the people in the existing circumstances of India. The population of the country is varied and heterogeneous, and the persons elected do not really represent the classes whom they profess to represent. It is urged that so long as the only political organization is in the hands of the Brahmans, the (*s*) creation of new electorates would produce candidates who though nominally belonging to other castes would really be adherents of the same political party and pledged to the same course of action, and that it will only serve to widen the field of the professional agitator, increase the political unrest—that is the inevitable outcome of all elections—and poison the minds of the landholding and other classes hitherto free from contamination. Reference (*t*) is made to the general lack of interest in public affairs amongst the masses, the power of the purse, and the willing subjection of the majority to a few shrewd and masterful men. The principle (*u*) ought to be that the Councillors should be selected by the ruler who seeks advice. Retired officials (*u*) and ex-diwans of Native States are preferable as they know better the interests of both the Government and the people.

(*t*) Rev. Canon Margoschis.

(*u*) Mr. Edgington.
,, Sundaraparipurna Aiyar.

6. The existing local boards (*v*) serve as district advisory councils but require to be made more representative of the several classes and interests. The demand for direct representation may be met (*w*) by developing the elective principle in the existing local bodies, giving an opportunity to all aspirants to political fame to work and make a name as members of these bodies, and to secure their loyalty and co-operation by holding before them the prospect of being *elected* as members of the Provincial Advisory Council and thence promoted *by nomination* by Government according to their merit to the Provincial Legislative Council and the Imperial Advisory and Legislative Councils.

(*v*) Mr. Mascarenhas.
,, Muhi-ud-din Khan Lodi.
,, Ramachandra Aiyar.
,, Kuttalam Pillai.
,, Ponnambalanatha Pillai.
(*w*) Mr. Bryant.
,, Mascarenhas.

7. It is incidentally (*x*) pointed out that the present system of the election by delegates or what comes to the same thing aggregate voting by each separate municipality or district board forming part of an electorate is liable to great abuse and is objectionable. It does not represent the result of an independent direct voting by the members of those bodies and under it, almost the whole number of qualified citizens lose their right of voting. A large electorate is more desirable than a restricted one and is less responsible to wire-pulling. Direct independent voting by members should be provided for and the votes may be counted either at the Secretariat or by the Collector, and the total votes collated at the Secretariat.

(*x*) Mr. K. Raghunatha Rao.

XXXV

Letter—from W. Francis, Esq., I.C.S., Acting Collector of Malabar.
To—the Chief Secretary to Government.
Dated—Calicut, the 14th February 1908.
No.—D. 248-Public.

I have the honour to reply to G.O., No. 886, Public, dated 22nd November 1907, regarding the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. The Government Order was forwarded for opinion to the officials and leading and influential gentlemen named in the margin. Of these, numbers (9), (13), (17), (18). (19), (20) and (21) have not replied. The opinions received, excepting those of the Hon'ble Raja Vasudeva Raja Avargal and the Hon'ble Mr. M. Krishnan Nayar, are herewith submitted together with a précis of them. I have not included the opinions of the above two gentlemen as these have apparently been already submitted to Government in reply to a reference made to them direct on the subject.

3. I regret that I have had so much other work lately that I have had no time to give this important subject the attention it deserves. Government will have no lack of other opinions before them and I therefore beg that I may be excused from the necessity of hazarding hasty views.

Officials.

(1) R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.
(2) M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.
(3) M.R.Ry. C. Gopalan Nayar Avargal, Head-quarters Deputy Collector.
(4) M.R.Ry. P. Kunhayan Avargal, Additional Deputy Collector, Calicut, now in South Arcot district, a Mappilla by caste.
(5) M.R.Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni, the senior Tahsildar in this district.
(6) M.R.Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat, the next senior Tahsildar.
(7) M.R.Ry. P. A. Ammu Avargal, Huzur Treasurer, Calicut, a Mappilla and a Municipal Councillor.

Leading and influential non-officials.

(8) M.R.Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade Pleader, Calicut.
(9) M.R.Ry. O. Krishnan Avargal, B.A. B.L., High Court Vakil, Calicut, a Tiyyan.
(10) M.R.Ry. K. Govinda Menon Avargal, B.A., retired Tahsildar and an influential jenmi.
(11) The Hon'ble Mr. M. Krishnan Nayar, B.A. B.L., High Court Vakil, Additional Member of the Legislative Council.
(12) M.R.Ry. K. Ramanunni Nayar Avargal (Mannarghat Muppil Nayar), an influential jenmi.
(13) M.R.Ry. T. M. Appu Nedungadi Avargal, B.A. B.L., Government Pleader, Calicut.
(14) The Hon'ble Raja Vasudeva Raja Avargal, Valiya Nambidi of Kollengode.
(15) M.R.Ry. K. C. Manavikraman Raja Avargal, a member of the Zamorin's family and Honorary Secretary, Jenmi Sabha.
(16) M.R.Ry. K. M. Raricban Muppan Avargal, an influential jenmi and leader among the Tiyyans.
(17) H. Waddington, Esq., Honorary Secretary, Wynaad Planters' Association.
(18) M.R.Ry. Valiya Jarathingal Kunhi Seethi Koya, Valiya (Mappilla) Tangal Avargal of Ponnáni.
(19) M.R.Ry. Nilambur Elaya Tirumulpad Avargal, an influential jenmi of South Malabar.
(20) M.R.Ry. Vengayil Kunhiraman Nayar Avargal, an influential jenmi of North Malabar.
(21) M.R.Ry. Pumulli Manakkal Nambudiripad Avargal, an influential jenmi of South Malabar, one of the most advanced of the Nambudris.
(22) M.R.Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal, late Chairman, Palghat Municipality and now Vice-President, Palghat Taluk Board.
(23) Khan Bahadur P. Muthu Koya Tangal, Honorary Magistrate, Calicut, and a leading Mappilla of the town.

Enclosure.

ABSTRACT OF OPINIONS ON THE ESTABLISHMENT OF IMPERIAL AND PROVINCIAL ADVISORY COUNCILS AND THE ENLARGEMENT OF THE EXISTING IMPERIAL AND PROVINCIAL LEGISLATIVE COUNCILS.

Suggestions as to the Constitution and Work of the Imperial Advisory Council.

Officials.

R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.—The Council may preferably be called the Imperial Privy Council and meet at stated intervals. It should have power to pass and draft Bills on matters referred to it or, with Government sanction, on its own motion. This would give it responsibility. If it is merely consultative, it is almost certain to offer opinions which are impracticable and to drift into opposition to Government when such opinions are ignored. The individual powers of the Councillors should therefore be developed, representation by districts and castes arranged and definite work assigned. A merely advisory body will either usurp other functions or die.

M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—Non-official Europeans representing the industrial, commercial, educational and other interests and men of light and leading, the intellectual magnates among Indians, should also be represented in the Council.

Ruling Chiefs may object to sit with the other Councillors and it will be necessary to constitute an Upper House for them and a Lower House for the others. The Council is likely to overstep its limits, as in Mysore and Travancore, and cause administrative inconvenience or political difficulty.

M.R.Ry. C. Gopalan Nayar Avargal, Deputy Collector.—The deliberations should not be confidential. Nominated Councillors will not speak freely. The Council should be elected and have legal recognition. But with legal recognition it may be dangerous. The existing Legislative Council may be expanded so as to serve the purpose of the Advisory Council also.

M.R.Ry. P. Kunhayan Avargal, Additional Deputy Collector, Calicut, now Acting Deputy Collector, South Arcot.—Speaking as a Muhammadan and in the interests of Muhammandans, it would be safer to have the administration in the hands of Europeans than in those of any Council which will of necessity contain an overwhelming majority of non-Muhammadans. No change is called for in the present constitution of the Councils.

M.R.Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni.—Territorial magnates are frequently insufficiently intelligent and in touch with the people to make good Councillors, so the Council should contain other classes also.

M.R.Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—An Advisory Council which has no legal recognition and no powers of any sort and which is bound to give individual opinions confidentially does not seem to be worth calling into existence.

P. A. Ammu Sahib, Huzur Treasurer.—As the Muhammadan population is much smaller than the Hindu population, the majority of opinions will always be in favour of the latter and Government should not be influenced by such majority in special matters, such as the question whether high appointments should be made by nomination or by selection by competitive examination.

The Ruling Chiefs may object to sit with the other Councillors and a distinction will have to be made between the two. The proportion of Muhammadan members should be maintained.

Non-officials.

M.R.Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade Pleader, Calicut.—There should be one member for each district in each province, nominated by the Viceroy on the recommendation of the Local Governments. About 75 per cent. of the members should be members of the Provincial Advisory Councils. The remainder may be outsiders and some of them may be Ruling Chiefs. The term of office may be reduced to three years.

M.R.Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The Council should have legislative recognition and meet at stated periods. Its collective opinion should be obtained and published for general information. A certain proportion of the members should be nominated by the Provincial administrations.

M.R.Ry. K. C. Manavikraman Raja Avargal, Kottakkal.—The Council should have legislative recognition and should also be given power to make representations. The Council should be representative of different interests, just as the Provincial Advisory Councils are, and not be all territorial magnates.

M.R.Ry. C. M. Rarichan Muppan Avargal, Calicut.—Territorial magnates are not the best guardians of the public weal. Only actual tillers of the soil should have the right of being registered as electors or being elected, those who actually cultivate a given extent of land being recognised. Like the Muhammadans, the Shanars of Tinnevelly and the Tiyyas of Malabar should be allowed special representatives. Representation by districts or groups of districts will not benefit such backward classes as these.

Rao Bahadur P. I. Chinnaswami Pillai Avargal, Palghat.—The Council should have legislative recognition and be invested with formal powers. It should be consulted correctively and at fixed intervals. One-half of the Councillors should be elected, and should represent all classes. If the privilege of election is accorded, the Council will be similar to the Privy Council in England. It is undesirable to include Ruling Chiefs among the members as they would take no interest in British India.

M.R.Ry. P. Muthu Koya Tangal Avargal, Calicut.—Councillors should be selected from each district.

SUGGESTIONS AS TO THE CONSTITUTION AND WORK OF THE PROVINCIAL ADVISORY COUNCIL.

Officials.

R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.—The Council may be called the Provincial Privy Council. As to its powers, etc., see above under Imperial Advisory Council. The Council should consist of one member from each district in addition to the Imperial Councillors. Of the former, half should be elected and half nominated, the member from each district being elected and nominated in rotation. The electorate should consist of the full district electorate having votes in the legislative elections. No one should be qualified for election or nomination unless he is one of the electorate.

M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—Tenants as well as landlords should be represented. The introduction of the elective principle is not advisable in the beginning. The councillors should be appointed on nominations made by Collectors.

M.R.Ry. C. Gopalan Nayar Avargal, Deputy Collector.—See under Imperial Advisory Council above.

M.R.Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni.—Would prefer territorial distribution of seats.

M.R.Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—The deliberations should not be confidential. The Council should receive legislative recognition. Otherwise few persons would care to serve. The number of councillors is insufficient to secure the representation of all interests. Each district should have a representative from the landholding class and there should also be an equal number of representatives from the Chambers of Commerce, planting communities, capitalists and the professional classes.

P. A. Ammu Sahib, Huzur Treasurer.—Please see above under Imperial Advisory Council.

Non-officials.

M.R.Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade Pleader.—The total number of members should be about 60 giving two or three members for each district. About 75 per cent. of these should be members of District Advisory Councils (to be constituted) and be appointed by the Local Government on the recommendation of Collectors. The remaining members may be outsiders including ruling chiefs. The period of office may be reduced to three years.

The District Advisory Councils should consist of about 20 members, or an average of two for each taluk, the members being appointed by Collectors and serving for three years.

M.R.Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The Council should have legal recognition. Its collective opinion should be obtained and published for general information.

M.R.Ry. K. C. Manavikraman Rajá Avargal, Kottakal.—The Council should have legal recognition and should also be given powers to make representations.

M.R.Ry. P. Muthu Koya Tangal Avargal, Calicut.—Councillors should be selected from each taluk. There should be District Advisory Councils.

SUGGESTIONS AS TO THE CONSTITUTION OF THE IMPERIAL LEGISLATIVE COUNCIL.

Officials.

M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—The assessment qualification of Rs. 10,000 a year for the electorate of nobles and great landowners is too high. The Muhammadan non-officials to be nominated by the Viceroy may be reduced from two to one, as Muhammadans may also be selected by the non-official members of the Provincial Legislative Councils.

M.R.Ry. C. Gopalan Nayar Avargal, Deputy Collector.—The Madras Chamber of Commerce may be allowed a representative. Out of the four non-officials to be nominated by the Viceroy to represent minorities or special interests, the number of Muhammadans to be nominated may be not *more* than two instead of not *less* than two.

M.R.Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni.—The members of the Council may be appointed as follows:—

By election by the Provincial Legislative Councils	7
Do. by District Boards	7
Do. by Municipalities	7
By nomination by the Viceroy from among officials and non-officials ..	39
Total ..	60

The nomination by the Viceroy may be made by castes to represent minorities or special interests.

M.R.Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—The Ruling Chief proposed may be eliminated as he would have no sympathy with, or knowledge of, British territory. The Madras Chamber of Commerce should have a seat. In addition to the two elective seats allowed for Muhammadans, it is proposed to allow two more seats to be nominated by the Viceroy to represent minorities or special interests. This number may be reduced to one and the remaining three seats distributed among Hindus, Christians and Sikhs. Mining and railway should also have a seat each and District Boards, Municipalities, planting communities, the Universities and legal profession. It will be difficult to form an electorate for the landholding classes. It will be best to nominate a member from the landholding class who is an educated person and pays an assessment of not less than Rs. 25,000 a year. In the case of Muhammadans, persons paying tax on an income of Rs. 5,000 and upwards alone need be included.

P. A. Ammu Sahib, Huzur Treasurer.—The number of Muhammadan representatives is small, seeing that the Muhammadans make up one-fifth of the whole population. The number may be raised to six by reducing the number of non-officials to be nominated by the Viceroy to represent minorities or special interests from four to one, and the number of experts from two to one, or by reducing the number of additional officials to be nominated by the Viceroy by one or two. All the six members may be returned by election at one for each province. The electorate should have the qualifications proposed by the deputation referred to in paragraph 18 of the Government of India's letter except that both officials and non-officials should be eligible to vote and be voted for, as almost all the best educated Mussalmans are officials.

Non-officials.

M.R.Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The number of members to be elected by the non-official members of the Provincial Councils should be raised from seven to fourteen.

M.R.Ry. K. C. Manavikraman Raja Avargal, Kottakal.—The assessment qualification of the electors may be reduced if, without doing so, the required number of electors (150) cannot be secured. The election should be direct and not through the landholding members of the Provincial Council. The property qualification of the Muhammadan electorate for the Imperial Legislative Council should not be lower than that for the Provincial Council, as the proposals make it. It may be fixed as follows :—

(1) Proprietors who pay land-cess on an annual rental of not less than Rs. 5,000.

(2) All pattadars and inamdars whose assessment, including water-rate, is not less than Rs. 2,000.

(3) All those who have paid income-tax in the preceding year on incomes not less than Rs. 10,000.

(4) All registered graduates of not less than five years' standing.

M.R.Ry. K. Ramanunni alias *Mannarghat Mupil Nayar Avargal.*—The assessment qualification of voters should be Rs. 2,000 and that of candidates Rs. 5,000.

M.R.Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal, Palghat.—The number of Councillors to be appointed by the Provincial Councils should be raised to 14 at least. The formation of electorates for landholders or classes such as Muhammadans would not be practicable and Government may nominate persons to secure a fair representation of classes not represented by election.

SUGGESTIONS AS TO THE CONSTITUTION OF THE PROVINCIAL LEGISLATIVE COUNCIL.

Officials.

R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.—Muhammadans should select two members instead of one. Brahmans and Christians need not be given special representatives. The number selected by "all other persons" may be raised from six to eight, District Boards and Municipalities selecting two each.

M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—Among the non-official members there should be a representative of the cultivating classes of the planters and of the registered graduates of University. Reserving seats for Brahmans, Muhammadans and Christians perpetuates undesirable distinctions. It would be better to raise the number nominated by the Governor to five, of whom one shall be a Brahman, one a Muhammadan and one a Christian. The age of electors should be raised from 21 to 30. The tenure of office should be reduced from five to three years. The peshkash or land revenue qualification of a zamindar or janmi voter should be reduced from Rs. 20,000 to Rs. 5,000.

M.R.Ry. C. Gopalan Nayar Avargal, Deputy Collector.—Caste distinctions should not be recognized in selecting representatives. Lawyers should not be so much discouraged; they are useful. District Boards and Municipalities should not be denied the privilege of selecting representatives. The number selected by zamindars, etc., should be raised from two to three. Suggests the following distribution :—

Selected by the	Municipal Corporation of Madras	1
Do.	Northern group of Municipalities	2
Do.	Southern do.	2
Do.	Northern group of District Boards	2
Do.	Southern do.	2

A retired public servant whose salary was not less than Rs. 500 a month should be included among men qualified for election even though he may not have the required property qualification.

M.R.Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni.—The Council may be constituted as follows :—

By nomination by the Governor in consultation with Collectors	21
By election by District Boards of five areas specified	5
Do. by Municipalities of do.	5
Do. by the public by votes irrespective of caste or creed	5
Total	36

Details for the electorate of these last are sketched out. Nominated members should be chosen on a territorial basis.

M.R.Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—The three elective seats allowed to Brahmans, Muhammadans and Christians may be filled up by nomination by the Governor as it will be difficult to constitute electorates for these classes and the introduction of caste distinctions is undesirable. The number of members to be elected by "all other persons" may be raised from six to seven and distributed among seven divisions into which the Presidency may be divided for this purpose. The planting communities should be represented. The privilege of election should be continued to District Boards and Municipalities with the restriction that no election should be made from the Barrister or Vakil class, which predominates everywhere. It will be difficult to form a landlord electorate in Malabar, as the janmis are, as a rule, backward and uneducated. In Malabar, tenants whose income comes up to the prescribed limit may be included in the electorate. The income qualification of Barristers should be reduced from Rs. 5,000 to Rs. 3,000 and the assessment qualification of landholders should be reduced from Rs. 20,000 to Rs. 10,000. The qualifications of electors under "all other persons" may be as shown below :—

Land owners—Rs. 1,000 and above.
Income-tax assessees—Rs. 2,000 and above.
All graduates of ten years' standing.
Government pensioners drawing Rs. 100 and above.
The voters should be residents of the district, except graduates.

P. A. Ammu Sahib, Huzur Treasurer.—In addition to the one member to be selected by Muhammadans, two more seats should be provided for them, (1) by reducing the number of Councillors to be selected by "all other persons" from six to five and (2) by reducing the number of Councillors to be nominated by the Governor from two to one. Of the three seats thus set apart, one should be reserved for Mappillas, who form one-third of the Muhammadan population of the Presidency and whose customs and manners are different from those of the other classes of Muhammadans. The period of tenure of office may be reduced from five to three years. The condition that no person in the service of the Crown shall be eligible for selection may be relaxed in the case of Muhammadans, the best educated of whom are officials. A distinction should be made between the qualifications of voters and of candidates for selection by lowering the qualifications of the former at least in the case of the Muhammadans. All payers of income-tax and of land revenue in excess of Rs. 500 and all cultivators who hold lands whose land revenue is Rs. 1,000 and upwards should be eligible to vote. The alternative suggestion that the Governor should nominate to the three seats provided for Brahmans, Muhammadans and Christians is not in accordance with the principles of the rest of the scheme.

Non-officials.

M.R.Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade Pleader.—About half the non-official members should be selected from the legal profession. The present scheme would probably give only one among all the seventeen non-officials. Lawyers are best fitted to advise Government on legal matters. The period of office should be three years, not five

with privileges of re-election and renomination. The perpetuation of caste distinctions is inadvisable. The alternative suggestion regarding nomination by the Governor of persons to represent Brahmans, Muhammadans and Christians is preferable. Literate qualifications should be insisted on in the case of voters.

M.R.Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The number of members to be elected is not sufficient. There should be at least as many members as there are districts. The property qualifications of the candidates for election should be higher than those of the electors. Both the electors and the candidates for election should be literate. The election should be made without distinction of caste. The preponderance of the number of official members is objectionable and unnecessary, as Government can always carry out its proposals; in the rare cases in which they do not get a majority in favour of their measures, can accept the minority and overrule the majority.

M.R.Ry. K. C. Manavikraman Raja Avargal, Kottakal.—The property qualification for zamindars, etc., should be reduced to Rs. 10,000 in the case of assessment or Rs. 25,000 in the case of annual rent. Registered Muhammadan graduates of five years' standing should be allowed to vote for the Muhammadan members.

M.R.Ry. K. Ramanunni alias *Mannarghat Mupil Nayar Avargal.*—Property qualification of zamindars should be Rs. 5,000 (assessment) and Rs. 10,000 (annual rent for purposes of land-cess).

M.R.Ry. C. M. Rarichan Muppan Avargal, Calicut.—The standard of property qualification of Rs. 20,000 (assessment) and Rs. 5,000 (rent for purposes of land-cess) is too high for the circumstances of Malabar.

M.R.Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal, Palghat.—Representation by castes should be avoided. The Council should be enlarged, each district should send a member and Government should nominate persons as representatives of classes not represented by election.

XXXVI

Letter—from J. P. Bedford, Esq., I.C.S., Acting Collector of Tanjore.
To—the Chief Secretary to Government.
Dated—the 18th February 1908.
No.—R. Dis. 213/Rev.

With reference to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to report that the exceptional pressure of work to which I have been subjected during the last two months has prevented me from giving that degree of thought and labour to the subject which would be necessary if my opinion were to be of any value.

2. *Advisory Councils.*—Thirty-one gentlemen have favoured me with their opinions on the scheme as a whole. I submit their replies with a list. In regard to the Advisory Councils, they may be divided into four classes: (1) those who regard the creation of such Councils as more or less useless, (2) those who suggest amendments in regard to the function and position to be assigned to them, (3) those who misunderstand the position of these bodies as finally laid down (some gentlemen, for example, speak of the members as being responsible to the public), and (4) those who ignore them altogether or restrict themselves to detailed criticism.

3. The *functions* of Provincial and Imperial Advisory Councils alike are defined in paragraph 5 of the Home department letter which heads the Government Order. On this matter, I am not asked for an opinion. It is, however, difficult to criticize the constitution of such a body, without reference to its functions. Moreover, I cannot think that its functions, as now defined, will not be liable to some modification either now or at some future date.

4. Taking them as they stand, some officers have proposed that they be wholly or partially recruited by election. I cannot agree and would myself advocate the view suggested in paragraph 6 of the Home department letter that the members should be *nominated*. The chief responsibility which these bodies have, as at present constituted, is to preserve the secrecy of their deliberations. This discreet attitude can hardly be expected from persons who are *elected* and who therefore represent a constituency which may require an account of their actions. Moreover, the position now assigned to a Provincial councillor is not one which would attract much competition or interest from an electioneering point of view. Perhaps, it might also be well that the members of the Council should be 45 years of age or more. The virtues proper to such an assembly would be those of maturity rather than youth.

5. My chief fear is, I confess, that these bodies, if constituted, may eventually get definite powers, not only through representations on their own part, but also as a logical result of their having been called into being. If this were so, their position would seem to indicate for them the role played by the Upper House in English politics. In view of such a contingency, it would be as well that the element of election should not be introduced.

6. *Imperial Legislative Council.*—I am respectfully opposed to the proposals contained in paragraph 12 of the Home department letter, so far as clauses D (*b*), (*c*), (*d*) are concerned. The electorates as regards D (*c*) and D (*d*) would, I think, constitute a very unwieldy and incoherent body : nor would they be representative of anybody except themselves.

7. That popular and enlightened landholders exist in this Presidency is undeniable ; but, as a class, I would not describe big landholders as specially popular or enlightened.

8. A trader in this Presidency is allowed every possible facility in doing business ; a landholder is restricted in every possible way in dealing with his tenants ; the tendency of the Bill recently under discussion is to reduce the power of a landholder to those of a rent-collecting machine. This shows what opinion is held of landowner as a class, when it comes to a matter of business.

9. If landholders as a class cannot be trusted to deal freely with their tenants, it seems inconsistent to repose *special* confidence in their ability to represent sympathetically the interests of their tenants and, let me add, of the rest of the population, with whom they have (I might say, admittedly) no connection or association of interest whatever.

10. The landholder, as the British Government *found* him, was perhaps in the nature of a feudal chief ; *now*, his public duties and responsibilities have been long reduced to a minimum ; he is only *a rich man*, like a successful lawyer or trader, and his position brings him far less into touch with the people as a whole than theirs.

11. In short, I do not consider the landholder in this Presidency to be a specially representative person ; nor do the electorate hold this view ; hence the comparatively large number of vakils elected under the present system. This may be deplorable, but I submit that to pack the electorate is not the proper remedy.

12. My own suggestion would be to fuse the classes D (*b*) and D (*c*) into one class, which would give two elective vacancies to each Presidency. For the purposes of filling them up, I would have an electoral body, constituted like that which now exists for the election of members of the Provincial Legislative Council. There would, however, be one difference, namely, that there would be only *one* member for each group (Northern and Southern), the electorate including District Boards and Municipalities (each of course in its corporate capacity).

13. Incidentally, I would do away with the rule prescribing the attendance of assemblies of voting delegates at Trichinopoly and Bezwada. The delegates have no personal voice in the matter, and their assemblage in one place seems to be simply a waste of time and money.

14. I would add the Muhammadan *elected* members D (*d*) to the class E and raise the minimum number of Muhammadans to three or four. I cannot look hopefully on the prospects of an all-India Muhammadan electorate.

15. *Provincial Legislative Council.*—I regret to have to submit my respectful dissent from the principles of selection as proposed by Government. Most of the gentlemen consulted by me are opposed to the proposed divisions of caste, creed, etc., and are in favour of a territorial basis. I agree with them. Such distinctions, considered as an asset to be reckoned with politically, are getting less and less significant as years roll on and, in so far as they continue to exist, constitute a drag on the prosperity of the country. Further, the question of incoherent and unwieldy electorates arises once more in this connection.

16. I may be permitted to express a doubt whether the implied censure on the constitution of the existing Legislative Council is altogether deserved.

17. I cannot but think that the principle of election should either be accepted or rejected. Disenfranchisement (complete or partial) is a policy which explains itself; but the proposal is to restrict the electorate to the selection of certain classes of persons. In this way, Government abandons the power of choosing the men whom *it* considers most suitable, whilst it also hampers the electorate in their choice of the men whom *they* consider most suitable.

18. As suggested by Mr. Jackson, I would have a member for every two districts, the electorate consisting of the *members* of the District Boards, Taluk Boards and Municipalities and (possibly) Honorary Magistrates; the scheme, however, differs so widely in its general principle from that contained in the Government memorandum that I think it best to abstain from working it out in further detail.

19. *District and Taluk Boards.*—According to my proposals, the electorate or the nucleus of the electorate up to this stage would have been the District and Taluk Board itself with the addition of other public bodies or public officers. As to the constitution of these bodies themselves, I would be in favour of the tentative introduction of the elective system, as a means of recruiting (say) one-third of the members of the Taluk Boards of selected districts, of which this district might well be one. I would put the franchise at one thousand rupees of kist or two thousand rupees under the head of trade. I would put no restriction whatever on the selection of the electorate. It has been suggested that education qualifications should be insisted on; I would prefer to let the election be absolutely free and (if necessary) to curtail the privilege itself, if abused on the analogy of the present manner of dealing with mufassal Municipalities at present.

List of gentlemen who have expressed their opinions.

1. C. T. H. Johnson, Esq., I.C.S., Acting Sub-Collector, Negapatam.
2. G. H. B. Jackson, Esq., M.A., I.C.S., Acting Sub-Collector, Kumbakónam.
3. M.R.Ry. A. Upendra Poi Avargal, Deputy Collector, Mannárgudi Division.
4. „ V. T. Krishnamachariar Avargal, Deputy Collector, Máyavaram Division.
5. W. H. H. Chatterton, Esq., Deputy Collector, Pattukkóttai Division.
6. M.R.Ry. Rao Sahib T. Raghaviah Pantulu Garu, Personal Assistant Deputy Collector, Tanjore.
7. „ Y. V. Srinivasa Aiyar Avargal, Tahsildar, Negapatam.
8. „ A. Mukthichidambara Mudaliyar Avargal, Tahsildar, Tirutturaippúndi.
9. „ Abdur Rahim Sahib, Tahsildar, Mannárgudi.
10. „ R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad.
11. „ Rao Bahadur A. Annaswami Tevar Avargal, Ukkadi.
12. „ V. A. Vandyar Avargal, Pundi.
13. „ S. Ramachandra Aiyar Avargal, High Court Vakil and Public Prosecutor, Tanjore.
14. „ K. Anantarama Aiyar Avargal, High Court Vakil, Tanjore.
15. „ K. Srinivasa Pillai Avargal, Pleader, Tanjore.
16. „ N. K. Ramasami Aiyar Avargal, High Court Vakil, Tanjore.
17. „ M. Abraham Pandithar Avargal, Tanjore.
18. „ Diwan Bahadur R. Ragunatha Rao Avargal, Kumbakónam.
19. „ T. S. Sivaswami Odayar Avargal, Kumbakónam.
20. „ N. Krishnaswami Aiyangar Avargal, High Court Vakil, Kumbakónam.
21. „ M. S. Natesa Aiyar Avargal, Máyavaram.
22. „ K. Chidambaranatha Mudaliyar Avargal, Shiyali.
23. „ V. Ramachandra Nayudu Garu, Enangudi, Nannilam taluk.
24. „ A. M. Periasami Muthia Odayar, Perumpanniyur, Nannilam taluk.
25. „ C. R. Kunjithapatham Aiyar Avargal, High Court Vakil, Negapatam.
26. „ K. S. Venkatrama Aiyar Avargal, Pleader, Negapatam.
27. H. B. Mactaggart, Esq., Negapatam.
28. M.R.Ry. Chinnia Marakayar Malumiar Sahib, Nagore.
29. „ T. Somasundara Mudaliyar Avargal, Vadapathimangalam.
30. „ S. M. R. M. Ramalingam Pillai, Velanganni.
31. „ K. N. Muhammad Rowther Marakayar Avargal, Adirámpatnam.

ENCLOSURE No. (1)

Letter—from G. H. B. JACKSON, Esq., M.A., I.C.S., Acting Sub-Collector, Kumbakónam.

To—the Collector of Tanjore.

Dated—the 20th December 1907.

No.—1518 G. & B.

With reference to your R.C. No. 1518/G. & B., dated 7th December 1907, I have the honour to report—

(1) The scheme as I understand it is to have:

The proposed scheme of the memoranda.

(*a*) Seventeen non-official members on the Legislative Council.

(*b*) Twenty to twenty-five members of an Advisory Council.

(*c*) Extension of the elective principle in Local Boards and possibly local Advisory Councils.

(2) I think it best to give my own opinion in its entirety though I regret that it differs from the proposals in the memoranda. I apologise once and for all for any remarks which seem impertinent in discussing a Government Order.

My own opinion.

(3) I cannot see any use in an Advisory Council of 20 if there are to be 17 non-officials on the Legislative Council. The 20 will be of the same character as the 17 but as the 17 have considerable and the 20 no powers, the latter body will fall into insignificance.

Provincial Advisory Council doomed to insignificance.

(4) I differ from the proposals regarding the Legislative Council on principle and in detail.

Scheme for Legislative Council bad in principle.

(5) I think the idea of having representatives of castes, religions and professions unnecessary and unworkable.

(6) It is not demanded by native public opinion I believe. Their publicists are rather anxious to soften than intensify caste and racial divisions and if the country is to develop towards nationality such distinctions must ultimately disappear. I do not believe that such special representatives are wanted practically. Look down the contents of the Madras Code and you will hardly find an Act on which Brahmans *quâ* Brahmans, or Christians *quâ* Christians would want to raise special issues. There is not the social legislation in India which we have in England, because Government holds aloof from everything that most nearly touches social and religious interests. Therefore special societies and special religions need no special safeguard.

(7) The scheme is unworkable because the constituencies are spread over too wide an area. Elections would begin in chaos and ultimately end in caucus.

(8) For a healthy representative system you must have representatives who know their constituents and constituencies which know their representatives.

Territorial basis essential.

(9) The only solution is to have territorial constituencies.

(10) We tried "Estates" in England, lawyers, merchants, clergy and so on in the fourteenth century but soon found that the country was the proper basis. We do not wish to repeat the French farce of parlements. Local interests are much more likely to be affected by our sort of legislation—Railways, Water-cesses, Fishing Acts, Forest Acts—than religious or caste interests. I consider the territorial basis essential.

Scheme bad in detail.

(11) I pass to details of the scheme for enlarging the Legislative Council.

(12) I should say that the special member for vakils (*d*) is rather a disability than a privilege, for it excludes vakils from (*g*), (*h*), (*i*), (*j*). I see no reason for this exclusion. The law is really the only profession in this country; the best man in a joint family naturally gravitates towards it, and pleaders are more interested in politics than any other class. They are usually landowners themselves or have joint interests in estates. I see no reason for a sharp line being drawn between pleaders and landowners.

(13) The result of such divisions is that a Brahman cannot elect a vakil, or a landowner, or a resident of Madras to represent him. I think such careful restrictions unnecessary.

(14) I see no reason why Madras without its vakils and landholders should have a separate vote. I should suspect this to be on the analogy of Calcutta and Bombay; but of course Madras is unlike those capitals.

(15) I do not profess to understand why Brahmans are singled out from other Hindus. If it is meant as a compliment, I believe they would just as soon take their chance with other Hindus trusting to their natural abilities to secure a fair representation.

(16) No doubt there should be a Muhammadan representative who might be nominated, but there is very little homogeneity among Christians, the Syrian Christians divided amongst themselves into fairly hostile sects, the Roman Catholics, the S.P.G., the C.M.S., the Lutherans and Non-conformists are a mixed constituency with a cross cleavage between caste and non-caste

Christians. Election by such a body must surely be impossible, for how could a Jesuit profess to represent a Plymouth brother, or a converted chuckler the Albuquerques and de Gomas of the West Coast?

Territorial constituencies essential.

(17) These are my reasons for proposing territorial constituencies.

(18) As for the electorate I think any native making over 150 per mensem might have the franchise. I would put the income-tax limit at Rs. 2,000 as against the ryotwari Rs. 1,000.

(19) I take it for granted that elections are necessary evils. They waste money, they waste time, they stir up bad blood, they lead to corruption. The fewer than the better. I strongly deprecate elections for legislative members, elections for advisory councillors and elections for local boards, all being held *ad hoc*.

Elections a nuisance.

A proposed scheme.

(20) The following are my proposals :—

Take a district of eight taluks. The taluk should be the territorial unit. It should elect two members to the District Council. (To give each vote a similar value as near as possible some taluks might have three members, some one member—that is a minor detail).

The District Council.

To these 16 elected members, 8 should be added by nomination by the Collector or co-option by the elected members.

That is a principle on which we must insist. Some of the best men will never go through the moil of an election.

The elections to be quinquennial or triennial. Vacancies among elected members to be filled by co-option by elected members. All the Tahsildars, the Divisional Officers, the Medical and Forest and Public Works Department officers and as President the Collector are *ex-officio* members.

(21) Thus we have a body of 38 which is the District Council. In the district it passes the Local Fund Budget, and decides all questions of principle now submitted to the District Board; it forms sub-committee to deal with roads, hospitals, education, etc. It gives advice on any question, which the Collector may bring before it with regard to general administration, and it acts as an Advisory Council when legislation is contemplated by Government. Meeting with its elected, nominated and co-opted members, but without its official members the District Council becomes the elective committee for the Legislative Council.

Elected	16
Co-opted	4
Nominated	4
Tahsildars	6
Divisional Officers	4
Others	3
Collector	1
	38

A proposed constitution for the Legislative Council.

(22) I would keep the Chamber of Commerce and University members and of the remaining 15 I would have 5 to be nominated by His Excellency and would distribute 10 through the districts. By affiliating the Nilgiris with Coimbatore or Malabar there would be one member to every two districts—Madura-Tinnevelly, Trichinopoly-Tanjore and so on (of course the new districts would modify this, that is a detail).

(23) My reasons for proposing this are to avoid too many elections; to give the members a constituency which they may know and which may know them: to have behind them definite local interests, and to make a place on the District Council—a very important privilege in that it confers the right of voting for a member.

Reasons for my scheme.

Provincial Advisory Council useless.

(24) As I said at the outset I see no use for the Provincial Advisory Council.

It is the immemorial practice of Government when it contemplates a measure to call for local opinion from Collectors. Such opinions under my scheme they will get also from the local Advisory Council. Its members are on the spot, and moving in the district, and can gather local ideas. Twenty good men in Madras cannot discuss matters with their constituents (in fact if they are to represent religions and so on they can never get in touch with their constituents at all) and they will be susceptible to the domination of a few masterful characters or the manipulation of a few intriguing minds. Such a council will have no power and no responsibility. Its members have borne the heat and burden of the election only to see their more fortunate compatriots revelling in the interpellations of the Legislative Council or assuming the functions of the Local Boards. Theirs only will be a barren office.

How public opinion can best be learnt.

(25) I would venture, in conclusion, to draw attention to the fact that I have added the Collector and his official subordinates as members of the Advisory Councils. The idea that there is a sharp distinction of interests between non-official and official in this country is, I believe, a Bengali import absolutely foreign to Madras. Collectors and Divisional Officers are not ogres of the castle before whom the quaking private members dare not utter a sound. They are men sharing common interests with their colleagues in the council and anxious to explain their actions and encourage discussion thereon.

Collector the proper President.

(26) I have ventured to submit a system on what I believe to be the only sound basis that of territorial constituencies. Instead of unconnected councils, I have proposed an organic scheme. And I believe that this new constitution will only prosper if in its parts it is directed (but not dominated) by those who have inherited by birth the traditions on which it is founded.

Summary.

Enclosure No. (2).

Letter—from M.R.Ry. Rao Sahib T. Raghaviah Pantulu Garu, Personal Assistant Deputy Collector.
To—the Collector of Tanjore.
Dated—the 13th February 1908.

In reply to your R.C. No. 1518 G & B, dated 7th December 1907, I have the honour to submit my views on the questions raised in the memorandum appended to G.O., No. 886, dated 22nd November 1907.

2. The Government of Madras have invited opinions on (1) the constitution and functions of the Imperial Advisory Council, (2) the constitution of the Provincial Advisory Councils, (3) the constitution of the Imperial Legislative Council and (4) the proposal to enlarge and reorganize the Provincial Legislative Councils. In paragraph 7 of the memorandum, Government touch on the question of the electorate that may be formed for selecting members for the District and Taluk Boards and contemplate the possibility of one and the same electorate being suitable for the purpose of selecting members both for the Local Boards and for the local Legislative Councils.

3. Paragraph 1 of the memorandum would seem to imply that the establishment of Advisory Councils is a closed question and that no opinions are invited as regards the desirability or otherwise of establishing these councils. I accordingly refrain from offering any remarks on this question. I have no remarks on the constitution of the Imperial Advisory and Legislative Councils excepting that the proposal to recruit the Legislative Council through elections by a wide electorate spreading over whole provinces might offer insuperable obstacles in the way of attaining anything like real representation.

4. *The constitution of the Provincial Advisory Council.*—The strength of the council has been put down at 20 or 25. This, it seems to me, is too small a number to adequately represent all classes and interests. The strength of the council should at least be 50. I consider that besides the landholders (great and small) and the representatives of the various interests in the country, there ought to be on this council at least two eminent Missionaries who have laboured in the country for a decade or two and who by virtue of their vocation live and move among the people of the land and are consequently fit to voice forth their real needs and their feelings on large questions of policy.

Composition of the council wholly by nominated members is not likely to secure for it the best available talent. The elective element should, I think, also enter into its composition and about half, or at least a third, of the members should be elected, inequalities arising from election in the matter of representation of important minorities and interests being removed by nomination. An educational qualification should be insisted on as a pre-requisite for membership. I would put down the Matriculation examination as the minimum educational qualification. The electorate which is to elect the seats thrown open for election need not be separate from the electorate which elects members for the local Legislative Council. The constitution of this electorate will be dealt with below under paragraph 5.

Inasmuch as this council is, by the very nature of its constitution, not armed with any powers, special privileges should be attached to its membership with a view to throw a halo of special importance and honour round it. Otherwise, the members are not likely to feel a high sense of responsibility or interest in the discharge of their functions.

I see no objection to the rule that the deliberations of this council should be confidential. I consider it, on the contrary, a *sine quâ non* for a free and fearless discussion. This does not mean, I take it, that these deliberations should be a sealed book for all time to come. They may be published when the proper time arrives for their publication, *i.e.*, when the necessity for keeping them confidential no longer exists.

The proposal that the head of the local Government or a high official deputed by him should preside over the deliberations of this council is open to the objection that it is likely to stifle free and fearless discussion among the members. A Secretary or an Under Secretary to Government will, of course, have to be present to give necessary information to the council and record its minutes.

5. *Enlargement and reorganisation of the Provincial Legislative Councils.*—With regard to the present constitution of Imperial and Provincial Legislative Councils, the Government of India observe that the present elective system has given the legal profession an undue prominence and that the District Boards have conspicuously failed to fulfil the expectation that they would represent the landed interest. The Government of India concede that the professional classes, chief of whom are lawyers and schoolmasters are entitled to a share of representation

proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase. They observe, however, that the great landed class should be given substantial representation on the councils and that the more important classes and interests should, as far as possible, be represented. To bring about this result, the Local Government have suggested a scheme in which they propose to take away altogether from Local Boards and Municipalities the privilege of election which they have hitherto enjoyed. This is, in my opinion, a drastic reform, and the Government of India do not contemplate such a drastic measure (*vide* paragraph 21 of the Government of India's letter). The Local Government propose to introduce a direct electorate for the election of members to the local Legislative Council. Besides giving effect to the principles enunciated by the Government of India of substantial representation for the landed classes and suitable representation for other interests, they further propose to introduce into this scheme the principle of representation by castes, and have accordingly allotted one seat exclusively for Brahmans, one for Muhammadans, one for Native Christians and six for other castes in the Presidency.

I beg most respectfully to demur both to the principle of a direct electorate and to that of differentiating caste from caste.

The scheme of a direct electorate seems to me to be impracticable on account of the very wide area over which the constituents will be spread. The constituents will have no chance of knowing their representatives, and representation will degenerate into a farce.

Differentiating caste and giving separate representations to the different races inhabiting the country will, in my humble opinion, tend to revive forgotten religious feuds and animosities and perpetuate racial and religious differences and will have the effect of retarding the progressive movement for the unification and advancement of the peoples of this land which has sprung up and has been growing slowly but steadily under the ægis of the benign British rule. No one doubts that communities, like the Muhammadans and the Native Christians, which are in the minority as regards members but which have important traditions, history and interest, should be adequately represented. Such a representation can, however, be brought out by nomination, and I would submit it as my opinion that in the Local Government's scheme classes (*f*), (*h*), (*i*) and (*j*) should be done away with and eight seats thrown open for general election and the remaining one seat added to the number to be nominated by His Excellency the Governor.

In view of the express opinion of the Government of India that the legal profession is having an undue prominence under the present elective system, the reservation of one seat for a barrister, advocate, vakil or certificated pleader in addition to the seat reserved for the Advocate-General and the possibility of the representative of the University being a member of the legal profession, restriction may, perhaps, be placed on the number of elective seats which can be filled by members of this profession. It may, for example, be laid down that not more than two out of the eight seats thrown open for general election can be occupied by members of the legal profession. After all, one has to remember the fact that the profession that draws most from the country's intellect is, for the present, at any rate, the legal profession, and consequently an attempt to shut out this profession altogether from the seats thrown open for general election might result in a general dearth of eligible candidates It has also to be remembered that the lawyer class is generally a landowning class and the interests of the two classes are thus more or less identical.

As regards the constitution of the electorate, a territorial basis and a system of double elections seem to me to be the best. District Boards consisting partly of nominated members and partly of members returned by a popular electorate would constitute convenient bodies to elect members to the Legislative Council. The Presidency may be divided into as many groups as there are members to elect (eight according to my suggestion), and each group asked to elect a member. This would give the chance to constituencies of knowing their candidates thoroughly.

The property qualifications for a candidate for the Legislative Council may be the same as those for a candidate for District Board membership, but as regards educational qualifications, the candidate should at least have passed the First-in-Arts examination. The property qualifications of voters in the case of elections to the District Board and the property and educational qualifications of candidates for seats on those Boards may, as suggested by Government in paragraph 7 of their memorandum, remain open questions for the present. It is, of course, understood that the persons composing the Advisory Council should be mostly, if not wholly, different from those composing the Legislative Councils; else, Advisory Councils will cease to have any special value.

ENCLOSURE No. (3).

Letter—from M.R.Ry. R. SWAMINATHA VIJAYA TEEVAR Avargal, Zamindar of Papanad, Tanjore.
To—the Collector of Tanjore.
Dated—the 6th January 1908.

With reference to your letter R.C. No. 1518 G and B, dated 7th December 1907, I have the honour to submit the following.

The people of this country feel very thankful to His Excellency the Viceroy for having generously and spontaneously considered the question of giving them a greater voice in the administration of the country. Apart from the immediate and practical effects of this move, one significant result is to draw the heart of the people nearer to the rulers as this is construed, as it rightly ought to be, as a demonstration on the part of the rulers of the feeling of oneness between the rulers and the ruled with one common object, viz., the material, moral and social advancement of the people of this country. All spirit of adverse criticism by the people must gradually go down as people understand the beneficent intentions of Government and the real concern of Government for the welfare of its subjects. I must congratulate His Excellency the Viceroy on this happy idea of showing to the people that popular sentiments will be respected and that their leaders who voice forth their views will be taken into confidence. Time was, when under the Hindu Raj the people were consulted on every important question. Then again when the Muhammadans were holding the suzerainty they consulted the people's views and had a Hindu Prime Minister as happens to-day in Hyderabad and the present action of the British Government is in keeping with the traditional policy of the former Government, in this country. It has been left to the far-sighted policy of His Excellency Lord Minto to inaugurate a system by which the current of popular feeling is directed to flow along the course followed by the Government, instead of its going on an independent and contrary direction. His Excellency has strengthened the foundation of the British Government in this country in this way far more effectually than he could by an increase of the Indian army a hundred-fold. We are frequently having more and more proofs of the broad sympathy and love for the people of the country on the part of the responsible and trusted representatives of His Majesty the King-Emperor. We all rejoice at the fact that the time has come when some slight recognition has been given to the capacity of the landholders and the merchants to take an intelligent view of the public questions of the day and to communicate the same to the Government to shape its actions to the benefit of both the rulers and the ruled. This capacity was clearly admitted in former ages by the rulers of this land and is recognised even at this present moment by a foreign Government ruling over their kith and kin in the French Settlement at Pondicherry. It behoves Government not to move in the line of reform inaugurated just now with trembling steps, but with firmness and quickness, as in addition to the testimony of the actual experience of the success of these reforms that the Government will have very soon, there is the testimony of past history and even present-day experience of a sister Government running on parallel lines. It is a matter for which we feel grateful that Government has recognised the justice of the claims of the landed aristocracy, the mercantile and industrial classes to a larger share in the actual work of administration and more extensive employment in the higher offices in the State and that both the Government and the people, who are now being taken into confidence, are partners in a common concern striving for mutual welfare and advancement. It is but in keeping with the best traditions of the English race to carry on the administration on liberal principles and to try to improve the material condition of the people of this land. As the reforms now proposed to be introduced have come out spontaneously out of the generous instincts of the head of the Indian Government, we hope that the various criticisms and suggestions that may be offered by the Indian public will be taken in good spirit and full play will be given to liberal principles of Government without the scope of the usefulness of the reforms being limited by ideas based on what is perhaps considered as those affecting the prestige and strength of the Government.

With reference to paragraph 2 of the memorandum I would state that the number of members of Provincial Advisory Council should consist of 25 members, one for each district to give opinions on questions relating to his district, one Hindu and one Muhammadan belonging to religious institutions such as mutts, temple committees, mosques, etc., to give opinion regarding religious usages, the regulation of public processions, management of religious endowments, etc., and one to represent the labour classes to explain their disabilities, etc.

With reference to paragraph 3 I should think that the restriction of members by nomination, in the Government of India's proposals, paragraph 12, D (*d*) and E, to Muhammadans, is unnecessary, and the choice must be left to His Excellency the Viceroy to nominate Muhammadans, if the proportion is not reached by D (*a*), (*b*) and (*c*), or a member of any other community or class which has not been properly represented. I have no objection to the official majority being kept up, provided the present restriction that officials must vote with the Government whatever their private conviction might be is removed. It has been a matter of frequent occurrence that officials carry a legislation through because they have a superior mandate to do so, even though their personal experience of local conditions convinces them that the measure for which they vote is unnecessary if not unjust.

As for the non-official members of Provincial Legislative Council I would suggest the following:—

(*a*)	To be selected by the Senate of the Madras University	1
(*b*)	By each district to be selected by an electorate as detailed below ..	22
(*c*)	To be selected by the Muhammadans	1
(*d*)	By ancient zamindars	1

All to be non-officials, to be elected by the following :—

In the case of—

(*a*) The Senate of the Madras University.

(*b*) All landholders who pay an annual land revenue of Rs. 1,000 including cesses to Government and all persons who pay an income-tax on an income of Rs. 5,000 per annum provided no voter is a Government official.

(*c*) All Muhammadans whose monthly income is not less than Rs. 100 or who pay an annual land revenue of Rs. 100 to Government or who pay an income-tax on an income of Rs. 1,200 per annum or a resident graduate of an Indian University of ten years' standing provided no voter can be an official.

(*d*) By the zamindars of zamindaris recognised by Government in 1802.

No one can be a candidate unless he is a voter.

In conclusion, I wish to state that the class of questions to be referred to the consideration of the Advisory Council and the number of times it should meet so that any member may put forward any suggestion relating to the administration of the country, must be determined now in order that it may not be possible for any one to defeat the object with which these councils are established now, by not summoning an Advisory Council at all or by not referring to it any question of importance.

ENCLOSURE No. (4).

Letter—from M.R.Ry. V. A. VANDAYAR, Pundi.
To—the Collector of Tanjore.

In acknowledging the copy of G.O., No. 886, dated 22nd November 1907, I have the honour to inform you that while I, in common with the rest of my countrymen, feel grateful to the Government of India for their sympathy in our aspiration towards greater powers of self-government, it has to be observed that the measures, which are to be adopted to give effect to the same, should be carried out with due care and caution, as the needs of the country and the qualifications of the people may demand.

2. I am in favour of Advisory Councils both Imperial and Provincial. These, if established, would give the executive officers the correct knowledge of the real feelings and opinions of the people, for which they are intended. The more the people are allowed to have a share in the administration of the country, the better and greater would be the interest that would be evinced by them in matters concerning their own affairs. While this is an undisputed fact, it is also very essential that the men who are nominated or elected to these councils should be men of education, character and public spirit, and what is more, according to the present condition of the country, they must be representative of all classes. If not, the interests of one class of people will suffer at the hands of another who may have a majority of their own in these councils and the objects of the Advisory Councils will be frustrated.

3. The enlargement of the existing Legislative Councils will be a move in the right direction. What the Madras Government has in view regarding the Legislative Council is almost akin to what obtains in the neighbouring colony of Ceylon and of which I have some experience, and there is no gain saying the fact that if the council be enlarged numerically by the admission of more educated and public spirited citizens but having an eye to its true representative character of all classes of people, it will then be in the words of the late Mr. Gladstone "a living representation".

4. However much we feel grateful to the Government for their benevolent intentions in the matter of allowing the people to have a large share in the administration of their own concerns, the fact yet remains that the eventual success of these and other equally good measures of administration depend upon the education of the people. By education—I don't mean the University degrees and diplomas alone—but the right development of the faculties of men which would enable them to take an intelligent and unselfish interest in the affairs of their own country and also which would enable them to earn their own livelihood. It is the duty of the State to encourage primary and technical education, by the spreading of which alone the people can be expected to take any interest in the working of such institutions like those which the Government have the intention of introducing and on which they have called for my views. It is almost a truism to say that education is the only remedy for all the evils of the country and here in India, where so much is made of *unrest, new spirit*, etc., all these, I beg to submit, whether true or imaginary would work on healthy and rational lines when there would be more of popular or mass education in the country. It may not be out of place to state here that some kind of industrial education should be given by the State to the people which would enable them to earn their own bread and which would go a great way to make them happy and contented. By means of these, the Government will have the co-operation of an intelligent class of people, who would give them a great relief, and who by reason of their self-reliant qualities would form a law-abiding and loyal people and who, in every sense, would be considered the back-bone of the nation and the support of the Government.

In the matter of zamindari or landholding class, while I feel extremely thankful to the Government for the desire in having their co-operation as well, in the deliberations of the Councils, it is very necessary to have a zamindari or land-holding class electorate which should be given the privilege of electing the right sort of man to represent their interests on the Council and which electoral body should have certain restrictions of qualification either by the gross value of their property or by the payment of their peshcash. This is a body of men from whom the Government gets a large income, and which till now are allowed to be on the Council by the system of nomination, and they did not get themselves elected because they thought it *infra dig* to go begging for votes at the hands of the people. Though this is not very much to their credit, it is to be explained by their spirit of exclusiveness.

ENCLOSURE No. (5).

Letter—from M.R.Ry. N. KRISHNASWAMI AIYANGAR Avargal, B.A., B.L., High Court Vakil, Kumbakónam.
To—the Acting Collector of Tanjore.
Dated—the 31st December 1907.

I have the honour to acknowledge the receipt of your letter of the 7th instant, R.C. No. 1518 G. and B. of 1907, forwarding, for expression of my views, a copy of G.O., No. 886, dated the 2nd November 1907, *in re* the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. While, on the one hand, it is true that the Governments in India have experienced difficulty "in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imputed to them", it is equally true that the masses of the people have now no adequate means of bringing to the notice of Government their needs and sentiments on all important questions affecting the community at large. I do not think it necessary for the present purpose to enquire into the causes that have brought about the difficulty; it is enough to say that it is high time that steps are taken to minimise the difficulties, even if they could not be completely removed, and the Government of India are entitled to the thanks of all-right thinking men for their solicitude to bring all classes of people into close relationship with the Government and its officers and to give them greater opportunities of making known their wants and their sentiments on public questions.

3. *Imperial Advisory Council.*—If the Advisory Councils, which the Government propose to organize is to consist of the *real representatives of the people of India*, it is sure to be of considerable service both to the Government and to the people. But if the assembly is to be of the type outlined in Sir Harold Stuart's letter, I must confess I am somewhat sceptic about its usefulness. In the first place I have great doubts if the Ruling Chiefs would not consider it *infra dignitatem* to associate themselves with others in consultations on matters not immediately connected with their own Governments, though perhaps when individually consulted they might not be unwilling to give expression to their views. In the second place I am unable to understand how any Ruling Chief can be said to be a representative of any section of the people not subject to his rule but directly under the British Government. Despite the great similarity which exists in the details of the administration in a British Province and in a Native State, the knowledge which a Ruling Chief can bring to bear upon a question affecting the British tax-payer must be based on remote information. Speaking with reference to the Madras Presidency I do not know if there are any great "territorial magnates." The zamindars who could possibly come within the category formulated by the Government of India may not exceed 40 in number; and the ryotwari landholders who form the bulk of the land-owning classes in this Presidency would be left severely alone as the number of such people who could come within that category is perhaps less. As regards the zamindars, it may be said that except in a few cases they don't represent any but themselves, as their interests are generally opposed to those of their tenants. There must therefore be in their proposed Imperial Advisory Council some gentlemen who will be able to place before the Government what the ordinary ryot wants and what he feels upon the public questions of the day. Such persons must be sought for from the ranks of the ryots themselves by providing for a smaller property qualification without unduly lowering it so as to impair the dignity of the assembly. The representatives of the Imperial Advisory Councils should be selected from among the members of the Provincial Advisory Councils.

I am afraid that the Council as proposed is a little too bulky and it may be made a little more handy without impairing its usefulness by selecting from each Province not more than five members.

4. *Provincial Advisory Councils.*—I am entirely in accord with the principles enunciated in paragraph 6 of Sir Harold Stuart's letter as to the constitution and functions of these Councils. But I venture to submit, that so far as the Presidency of Madras is concerned, having regard to the various systems of land tenures, the different languages and the varying manners and customs of the people in the province, it is desirable that the Council should be sufficiently large so as to admit of at least one member from each district having a seat in addition to the Members of the Imperial Advisory Council selected from this province who will form the nucleus of the assembly. The members may, for the present, be fixed at 30.

5. In this connection, I would strongly advocate the formation of an Advisory Committee for each district whom the Collectors may usefully consult on all matters of general public interest and particularly in matters connected with the district administration. The multifarious duties devolving on the Collector of a district gives him hardly sufficient time or opportunity to come into close contact with the people or master the details of the district in such a way as to enable him to know first hand what they feel or what they want; and their frequent transfers from one district to another render the attempt of a few well-intentioned gentlemen almost futile. They are therefore obliged to rely on the second-hand information furnished to them by their subordinates who with the best of intentions generally see only one side of the question and at times are obliged to shape their opinions in a form that may be acceptable to the Collector. Half a dozen men of experience, probity and character, who have freely mixed with the people and have been in a position to know how they feel and what they want, could be found to help the Collector with their corporate advice on all matters of local public importance, be it the suspension of the collection of land revenue in times of distress or ordinary village sanitation. I don't mean to assert that such advice is not now informally sought by some Collectors in the same way as the Government consults in respect of many important measures. But such consultation is only desultory, and if it has been found necessary for the Government with all the facilities possessed by them to form Advisory Councils in order to give clearer definition and continuity to methods occasionally adopted, I venture to assert that the necessity is all the greater in the case of Collectors of districts, who stand oftentimes sorely in need of some effective local agency to which they may apply for information and advice.

6. *Enlargement of Legislative Councils.*—It is indeed a matter for regret that the Government of India should have been compelled to remark that the professional classes have hitherto had the virtual monopoly of the powers exercised by the Councils and have thought it necessary to find means to supply the necessary counterpoise to their excessive influence. Though the figures quoted may justify the conclusion, it must be admitted, that so far as the Madras Presidency is concerned, most of the professional men who have from time to time sat in the Council have been no inconsiderable landowners themselves; and if landowners with no other qualifications have not been elected till now it is because of the feeling referred to in the last two sentences in paragraph 17 of Sir Harold Stuart's letter and not to the undue and excessive influence of the professional classes. And I speak within compass when I say that among the landed aristocracy there are only a few who can carry on an ordinary coversation in English; and those that can make a speech or carry on a debate in English in the Council are perhaps fewer.

7. While I agree that there should be substantial representation of the landholding classes in both the Councils, I respectfully demur to the view that a professional man should be declared ineligible for election, even though he may be landowner. The qualification proposed in paragraph 14 seems to be unduly high as already observed by me in paragraph 3 *supra*. I would suggest that the amount of land revenue giving the right to vote should be fixed at Rs. 5,000, and the qualification of the person to be elected may be higher, *e.g.*, Rs. 10,000. I share in the apprehension referred in paragraph 15 and would therefore leave the selection of a representative of the landholders on the Imperial Council to the landholding members of the Provincial Council, either from among themselves or from among other landholders who possess the necessary property qualifications.

8. If it were possible, considering its area and population, Madras should be allowed the right of sending two representatives to the Imperial Legislative Council. This suggestion, if accepted, may had one more to the number proposed without interfering with the official majority.

9. I don't question the propriety of assigning in each of the Councils a certain number of seats to be filled up exclusively by Muhammadans; but the number of such seats must vary in each province according to the Muhammadan population in that province.

10. In view to the difficulties which may be experienced in compiling the register of voters, if the suggestions mentioned in paragraph 17 are carried out, and to the fact that such an electorate will be scattered all over a province, and taking into consideration the innate dislike which is generally felt for canvassing over such a large and diversified ground, the electorate may be constituted as stated in clauses (*a*) and (*b*) of paragraph 18. Though an election by these members may not be considered to be fully representative it will still have the semblance of representation better than any selection made by the Government.

11. On the question whether in spite of the power the Governor-General possesses of vetoeing any legislative measure though passed by the Council, it is still necessary to provide for an official majority, I should have made a few observations were it not for the statement in paragraph 10, that it is not an open question.

12. *Provincial Legislative Councils.*—I note with gratification that it is not the desire of the Government of India to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have so long enjoyed. I agree to the view that it is quite necessary to define the special qualification for members of Provincial Councils. I confess to a feeling that the franchise for a seat in the Municipal Council is yet low and may with advantage be slightly raised.

13. I agree that a system for the representation of classes liable to be crowded out by a predominant section of the population should be introduced. The total population of this Presidency is 38,600,000 in round numbers. 89 per cent. are Hindus, 6 per cent. are Muhammadans and 3 are Christians including Europeans and Eurasians. The representation of these three communities in the Provincial Legislature must *prima facie* be in proportion to their strength, but this being in the nature of things impossible so far as Hindus are concerned, the only other course to provide for as many of these having seats, as is otherwise compatible. The proposal to give to each of the other two communities the right to elect a representative is unobjectionable though the question of the formation of the electorate is not one of easy solution and I shall refer to this later on.

14. I have no remarks to offer with reference to clauses (*a*), (*b*) and (*c*) of the scheme drawn by the Government of Madras. As to clause (*d*) it seems evidently to have been aimed at bringing almost to a minimum the legal element in the Legislative Council. In the face of the strong opinion expressed by the Government of India, I do not think it useful to pursue the matter further than I have done in paragraph 6 *supra*.

Among the class of men referred to in class (*d*), there is a considerable body of persons who are as much entitled to be classed as landholders as any others and who have permanent vested interest in the country. There is no reason why they should cease to be considered landholders, for the simple reason that they are lawyers also. In fairness and justice, these gentlemen ought to be given the option of definitely stating once for all in what group they would desire to be included and they must be allowed, subject to the necessary limitation and qualificaitons for that group, to vote in that group or stand for election as representatives thereof. If the privilege of option above detailed is allowed, then clause (*d*) may stand as it is. As to clause (*e*), I would suggest the omission of the words [not being member of (*d*)], but would insert in lieu thereof [not classed as member of class (*d*)]. Instead of the words "the citizens" in clause (*f*) I would substitute the word "Corporation." I have already stated that clauses (*h*) and (*i*) may be retained.

15. It will be impracticable to form an electorate for all Brahmans or all Muhammadans or Christians and the difficulty will be greater in the case of Brahmans who unlike the other two communities are to be found in all the 22 districts. I don't know if the special provision for the election of Brahmans as provided for in clause (*g*) by an implication disqualifies them for election under any of the foregoing clauses. I venture to assume that it does not. The difficulties attendant upon an election by an electorate which is so diversified and so scattered must in the nature of things be great and the result must therefore be unsatisfactory. But I venture to submit that the difficulty may be solved in all these cases by giving the privilege to such members of District Boards and Municipalities as belong to the respective classes aforesaid, subject to the necessary property and other qualifications. Such a selection will approach a representative election more than a selection made by the Government.

16. No reasons have been given for the exclusion of persons who belong to class (*e*) or (*f*) from being elected by classes (*g*), (*h*), (*i*), (*j*); nor are they apparent. When adequate provision has been made for representations of the classes said to be in the minority and liable to be crowded out in consequence, it does not appear why any further restrictions are necessary and why a class of persons who are otherwise qualified should be kept out. Whatever reasons there may be for excluding from classes (*g*), (*h*) and (*i*) persons who are members of classes (*d*), (*e*) or (*f*), there does not appear any reason why members of classes (*d*) and (*e*) should not compete for the seats reserved for class (*j*). If the preponderance of the legal element among the non-official members of the Legislative Council in the past is the reason for limiting their admission into such Councils in the future, no such objection can admittedly exist with reference to members of class (*c*) for whom so much has been said in the paper under reference. And who these "all other persons" may be it is difficult to guess with precision. It is intended to reserve these seats for the merchant and monied classes to the exclusion of the landed and professional classes it should be stated in clearer terms. If that be so, I am afraid that undue preponderence to this class will be the result, for while the professional classes have only one seat and the landholders 2, the monied and merchant classes have twice the number. The class (*j*) should be left open for classes of people, despite the fact that members of any special class have special seats allowed to them.

If the view be accepted there is no need for class (*d*) as a separate one. If on the other hand it does not commend itself, then I would suggest that class (*d*) be given 2 seats and class (*e*) 3 seats, leaving to class (*j*) only 3 seats. In any event class (*j*) must be more precisely defined.

17. As to the qualifications of the electorate, I would in the first place insist on literate qualification. I agree in the main as to the general qualification proposed, but would limit the tenure of office to 3 years instead of 5. As to the special conditions suggested, I accepted them except so far as item (3) is concerned which seems to be unnecessary if the election is to be made by the Corporation of Madras. In my opinion a higher property qualification should be insisted in the case of the persons selected. In the case of persons coming under class (*d*) barristers, etc, I would suggest that no one shall be eligible for selection unless he pays an income-tax on an income of Rs. 10,000 a year; and similar qualifications may be insisted in the case of (*f*) if the election is to be made by the citizens of Madras.

18. *Election of Members to Local Boards.*—This is, perhaps, the best opportunity for starting a scheme for the formation of electorates for the election of members of Local Boards. In determining the qualifications of the electors, it would be necessary to have a lower standard than in the case of the elections for the Legislative Councils, though the qualifications of the persons to be elected should be considerably higher. The standard of qualification may be different for different districts and provision may be made for the representation of important classes and minorities.

19. For election of members to the Taluk Boards an electorate may be framed of all persons owning property within the area paying a land-tax of Rs. 500 and upwards including rates and cesses; (*b*) of all persons paying within the area an income-tax of Rs. 50 or (*c*) possessing within the area equivalent qualifications by adding together the proportional qualifications under (*a*) and (*b*).

All graduates of any University resident within the area irrespective of any property qualification.

The qualifications of the candidates may be fixed thus :—

(*a*) All persons owning lands within the area paying a land-tax of Rs. 1,500 and upwards including cesses and rates.

(*b*) All persons paying an income-tax of Rs. 100 and upwards.

(*c*) All persons possessing equivalent qualifications by adding together the proportional qualifications under clauses (*a*) and (*b*). Provided that—

(1) when a person has properties in more than one local area but not sufficient to qualify him in either of them, but the aggregate thereof gives him the necessary qualification, he shall be registered in one of such areas as he may elect;

(2) when a person is assessed to aggregate income-tax in respect of any business carried on by him in more local areas than one, he shall elect one of such areas for purposes of franchise and shall not be registered in any other.

20. Each Taluk Board shall have the right to send to the District Board not less than 5 representatives to be selected by it from among its members or from persons possessing the necessary qualification and registered within its local area. Provided that no person shall be eligible to be selected to a seat on the District Board unless—

(*a*) he possesses immovable property paying a land-tax of Rs. 2,000 including cesses and rates; or

(*b*) pays an income-tax of Rs. 200; or

(*c*) possesses equivalent qualifications by adding together the proportional qualification under clauses (*a*) and (*b*). Provided that—

(i) where a person has lands in more local areas than one, but not sufficient to qualfiy him in either of them but the aggregate thereof gives them the necessary qualifications he shall be registered in one of such local areas at his option;

(ii) where a person is assessed to aggregate income-tax in respect of any business carried on by him in more local areas than one, he shall elect one of such local areas for purposes of franchise and shall not be registered in any other.

21. Three-fifths of the members of the Local Boards shall be elected by the electorates formed as abovementioned and the remaining members excluding the ex-officio members shall be appointed by Government in such manner as they may think fit or expedient.

22. I regret that there has been a delay of a day, which I request you will kindly overlook.

ENCLOSURE No. (6).

Letter—from M.R.Ry. K. CHIDAMBARANATHA MUDALIYAR Avargal, Shiyali.
To—the Acting Collector of Tanjore.
Dated—the 8th January 1908.

I have the honour to acknowledge receipt of your letter R.C. No. 1518-G. and B., dated 7th December 1907, forwarding a copy of G.O., No. 886 of 1907, and inviting my views on the proposed establishment of Imperial and Provincial Advisory Council and enlargement of existing Legislative Councils. It is gratifying to see that the Government have at last come to realise the necessity for making adequate provision for representing the landed, the mercantile and the industrial classes who form almost the entire population of the country. There is no doubt that these most important interests have been but meagrely represented in the past whether in the Provincial or Imperial Legislative Councils and absolutely unrepresented otherwise unless it be through the agents of the Government itself. It may be observed that even the right of interpellation would seem to have been exercised more on the topics of the hour in an almost stray and unconnected manner than on questions of deep and permanent importance with any continuity. It is equally gratifying to see that the Government also recognise the necessity for

adequately representing the great body of moderate men with little or no scope for the exercise of their legitimate influence under existing conditions. The proposal to create Advisory Councils and to enlarge the existing Legislative Councils to remedy these defects, heartily to be welcomed. But the details of the scheme sketched forth by the Government of India and the Local Government are far from encouraging.

Advisory Councils.—It is certainly indispensable that these should possess a legal status and some definite powers however limited at the outset to secure the co-operation of men, in every way competent to give the best advice possible. It seems, also, necessary to ensure continued vigour and efficiency to recruit at least a certain proportion of the strength, say, about one-half, by election from the different provinces and from the different districts of every province. Further, the institution of Provincial and Imperial Councils alone would, in my opinion, be utterly insufficient to meet the end in view unless based upon a system of District Councils. The province is too wide a unit and local questions of sufficient importance can never be adequately considered by a single council for the whole province. Whereas a consideration of having taluk and village councils might safely be deferred for the present and until some considerable advance is made in the education of the people as a whole. Thus it becomes reasonable that every district should have an Advisory Council constituted similarly to the Provincial and Imperial Councils. It may consist of about 20 or 24 members, one-half of them being elected and the other half nominated by the Local Government. The electorate might compose at present of all landowners paying a land-tax of Rs. 400 including cesses and all payers of income-tax irrespective of other distinctions. Special interests, if any might be made up among the members nominated. The Provincial Council should also consist of an equal number of nominated and elected members. Each District Council should elect one among them to represent the District Council in the Provincial Council. If, in such a scheme, the Provincial Council should be considered to become too unwieldy, two districts might be grouped together to return a member. And the other half should include special interests and be nominated by the Government of India. In the same way the Imperial Council should also consist of an equal number of elected and nominated members. Each Provincial Council should be represented in the Imperial Council by not less than four members elected by them and from among them. The Collectors, the Governors of Provinces and the Viceroy should consult the district, the Provincial and the Imperial Councils collectively on all questions of administrative importance and their opinion should be recorded. In such a scheme there would be a healthy combination and a fair representation of the more stable and the more progressive ideas and forces conducive alike to the welfare and progress of the Government and the people.

Legislative Council.—The nature of the work devolving upon the Legislative Council, it has to be observed, demands a more technical body of people than for the Advisory Council. Disabilities of race, religion, class or profession ought never to stand in the way of securing the worthiest men for the Councils and especially at the present time when in spite of all that is said against them the number of people who have had the benefits of higher education form but an infinitesimal minority. But it is certainly undeniable that the present constitution has failed to secure anything like an adequate representation of the most important interests and also of large sections of the population. This would necessitate the adoption of a method likely to promote both the aspects. In view to this it seems to me that the number of non-officials proposed by the Local Government for the Provincial Council may be made up thus—

(*a*) by merchants paying an income-tax on an income of Rs. 5,000 and upwards	1
(*b*) by landholders paying a land-tax of Rs. 2,000 and upwards	5
(*c*) by zamindars	2
(*d*) by citizens of Madras	1
(*e*) by Madras Chamber of Commerce	1
(*f*) by weavers, tenants and artisans (may be nominated if it is not possible to devise for them a system of election)	5
(*g*) by Muhammadans	1
(*h*) by the University	1
(*i*) by the District Boards	1
(*j*) by the Municipal Boards	1
(*k*) by nomination	2
	17

In the tentative scheme proposed for the Provincial Council it seems superfluous to have a representative for Barristers, Advocates, Vakils, etc., when the Advocate-General is a member ex-officio, while the Legislative Council is no religious or social conference that ought to embrace representatives of all castes and of all religions. Happily for all, the Government strictly pursues a policy of non-interference in social and religious matters and the people themselves under the liberalising influence of the west have learnt to forget these differences and live in perfect harmony with each other. All that is really needed is a representation of all material interests commensurate with their importance and the foregoing scheme appears to me to meet them fully and also more in consonance with the scheme proposed for the Imperial Council.

With regard to the constitution proposed for the Imperial Legislative Council, certain modifications seem to be very desirable. But if the official preponderance is insisted upon there cannot possibly be any change for the better. It is devoutly to be hoped that the principle of election would be introduced at the earliest opportunity into the Local Boards and the seats distributed among the various interests in the district in proportion to their magnitude and importance. It is a happy augury that the Government should have felt the extremely unsatisfactory character of the Budget debates and the improvements suggested is a step, though short, in the right direction. In fine, I believe it would add greatly to the contentment and progress of the people, if these Advisory and Legislative Councils thus intended to advise and co-operate with the Government in its work of administration and legislation, are taken more and more largely into the confidence of Government and their wishes more and more fully expected.

ENCLOSURE No. (7).

Letter—from M.R.Ry. A. M. PERIASWAMY MUTHYA UDAYAR, Mirasidar, Perumpaniyur (Nannilam taluk, Tanjore district).
To—the Collector of Tanjore.
Dated—the 26th December 1907.

I beg to acknowledge receipt of your honor's R.C. No. 1518/G. & B., dated 7th December 1907, with G.O., No. 886 P., dated 22nd November 1907, and take this opportunity of expressing my thanks to your honour for condescending to invite my opinion on a measure under contemplation.

The establishment of Advisory Councils would demonstrate the anxiety of Government to study the wishes of the people and to do the needful to them. If due care be taken in designing the constitution of the Council and defining their functions great good may result to the country and to the Government. To this end I beg to propose the following suggestions for adoption.

Having regard to the fact that the majority of the population of the country consists of landowners, I am of opinion that 25 per cent. of the councillors should be recruited from the zamindars, 25 per cent. from the ordinary landowners and that the remaining half of the Council may be recruited from the trades and professions. As every trade in India is a distinct caste, the Council should be of sufficient strength to include one representative of every trade. If at all it is desirable on the part of an enlightened Government to recognise by any of its acts the various castes who are socially at variance with each other, the only way by which this could be done without causing mischief would be to assemble representatives of the castes in the Advisory Councils where their functions are purely honorary. Having in a way pointed out the constitution of the Councils, I shall proceed to discuss the qualifications of the members.

In addition to the property qualification which may be determined upon, I am of opinion that a certain educational fitness should be resolved upon. It is admitted on all hands that an educated person is always better than a man who has no education. When this is true in all relations of life, more so should it be when that person undertakes to advise the head of a Government to whose care Providence has intrusted the welfare of millions. In the present state of the country a man without education is a man without a soul. He neither knows himself nor his neighbour. Such a person cannot be expected to understand the needs of the country and the sentiments of the people. As such a person can be of no service to the Government, I am of opinion that this person had not better be in the council at all. But as Government is anxious to be advised by people of the country who can speak with assurance on any subject which may be placed before them, nothing better could be done than nominating men of position who may have the additional advantage of a decent education. To this suggestion objection might be taken on the ground that by the adoption of this proposal the number of persons available for nomination would be diminished. But I beg to suggest that by fixing a lower standard of property qualification than that proposed the number might be swelled.

The scheme proposed contemplates that persons who have served one term on the council may be again eligible for nomination. I am of opinion that this is not desirable. Council Membership would certainly be regarded a personal honour and men once so distinguished would covet it for life. There is the danger of it therefore becoming the monopoly of particular individuals. Even on occasions when Government may sincerely like to be advised of the real condition of the country, some members of the council may pretend to think with Government in which case Government could have no regard for persons who have not the moral strength to speak out their convictions. I am, therefore, of opinion that a person should hold office for one term and no more. But to this it might be objected that Government would be deprived of the services of individuals who have had experience of their duties. On a closer examination of the qualifications of these councillors, the objection would seem groundless. Are these persons equippped with any special training? Have they had any administrative experience? None at all. All that these persons could be expected to possess would be a light education and a strong common-sense. Both these may as well be expected in other persons as well. Besides as one of the objects of Government in establishing the Advisory Councils is that these councils would

serve to make known the actions and intentions of Government through the country, the adoption of my suggestion would press into the service of Government a larger body of men than would be the case if the same members had the chance of being nominated to the council over and over again. I now proceed to point out the functions of these councils though briefly.

I agree with Government that the Advisory Councils being distinct bodies from the Legislative Councils should possess no formal powers. But their duties may with advantage be a little more extended than what is contemplated in the scheme proposed. They may offer their advice to Government when called upon to do so on any particular subjects and may also take to the notice of Government whatever they may regard as of sufficient importance for the Government to know. In this case their presence in any locality would act as a check on the abuse of power and tend to improve the tone of the practical administration.

As regards the Legislative Councils, I shall first express my opinions on the Provincial Councils and then pass to the Imperial Council.

From the scheme proposed by Government I find that members once nominated to the councils may be again nominated. Though this is not clearly expressed, nothing has been said to prevent it. It is my opinion that nominated members are generally regarded by the people as somewhat of the nature of official members. As Government have resolved to have always a standing majority in the council in the official members, it is desirable to improve the status of the nominated members. By ruling that members once nominated may again obtain a seat in the council by election and not by renomination, these members would naturally conduct themselves in a manner to secure the applause of the people that they may deserve to be elected when they shall have served out the first term.

As regards the qualification for membership, I beg to point out that some educational qualification is absolutely necessary. When in the case of the Advisory Councils whose functions are purely honorary, educational fitness seems indispensable it must be more so with regard to the Legislative Councils where the members possess formal powers and where they would find themselves contradicted by officials equipped with a thorough scientific education. If Government resolve not on a decent educational fitness, I beg to point out that Government might very well carry on the Government with the help of the official members and that it would be no use to provide for other seats in the council.

I agree with Government that provision should be made for the representation of the different religions but I beg to point out that sect representation is undesirable. Caste is a mischievous institution and to give it any recognition is to augment the mischief. I am therefore of opinion that it is very undesirable to provide for the representation of the Brahman, the Vellala, etc., having regard to the fact that all these sects have the same common religion. In this connection I beg to point out that there is as much difference between the Roman Catholic and the Protestant as there is between the followers of any two varying creeds. Therefore distinct provision should be made for their separate representation.

As the bulk of the population consists of landowners, I believe that two seats cannot be commensurate with their importance. I beg to suggest that 25 per cent. of the unofficial members may be recruited from this class and that two of these seats may be reserved for zamindars. If only two seats should be portioned out to the landowners there is the danger of both seats being appropriated by the zamindars and Government should know that the small landowner has nothing in common with the zamindar.

I am further of opinion that in consideration of the importance of pleaders who are the only class who have received a good education and whose professional experience gives them a clear insight into the nature of the country, one seat for them is insufficient. Though at times they may be annoying, still they are the people who would show Government clearly the other side of the question when Government should ill-advised resolve on any measure. I beg to suggest that the one seat pointed out for the Brahman and the six seats for all other persons may be utilized by giving four seats to the pleaders and three seats to Hindus.

Passing on to the Imperial Council, I find from the proposals made that of the four seats set apart for the representation of minorities and special interests, two are to be filled by nomination from the Muhammadan people. It is already proposed to have two Muhammadan members by election. But why should two of these four seats be given over to Muhammadans? How are Muhammadans specially qualified to represent minorities and special interests? This undue concession to them will tend to sow mischief between the Muhammadans and the other races who under the British Government have been living at peace forgetting their differences. When Government are considerate enough to provide for the interests of the minorities being represented in the Council, this cannot be better done than by nominating members from the small interesting communities as the Parsees, the Sikhs of North-West India and the Jains who are scattered all over the country. Government cannot but recognise that the communities named are specially interesting and the Imperial Council can never be representative of the country until these communities are represented.

As regards the representation of the landed interest in the Imperial Council, I am of opinion that a large electorate comprising all areas cannot be resolved upon in the present state of the country. Though education has made more progress than it had done 20 years ago, it has not yet advanced to create in the large masses of the people anything like an interest in public affairs. Therefore people scattered over large areas are not to be expected to know anything of the

fitness of individuals to sit on the Imperial Council. Neither does it seem desirable to solve all such difficulties by nomination, as Government already propose a large number of nominations. Therefore to have a representative elected by the landholding members of the Provincial Councils care being taken that the member elected is not one of the Provincial Council, would be the only reasonable solution. Here also I beg to point out that the member elected should not always be a zamindar and that a zamindar and an ordinary landowner may be elected in alternate terms if it be not desirable to provide more than one seat for the representation of the landed interest.

As regards the interpellations and the budget discussions, I should like to point out that some provision should be made to render them more dignified than they have hitherto been. I have frequently read reports of proceedings which impressed me with the notion that the official members did not always relish being questioned and that they frequently returned answers which could never have enlightened the questioner. I therefore beg that some measures may be adopted to render the position of unofficial members less pitiful.

In conclusion I pray that my opinions whenever they may seem not commendable may be excused as those of a country person not trained to express himself in a manner to be entitled to respect.

XXXVII

Letter—from J. A. Cumming, Esq., I.C.S., Collector of Gódávari.
To—the Chief Secretary to Government.
Dated—Cocanada, the 18th February 1908.
No.—R. Dis. 52-Rev.

As desired in G.O., 886, Public, dated 22nd November 1907, I have the honour to forward the opinions of the following gentlemen :—

(1) Selected Zamindars.

Raja of Pithápuram.
Zamindar of Bhádrachalam.
,, of Kottam.
Proprietor of Polavaram (Brahman, R.A.).
Ex-Zamindar of Rámachendrapuram.

(2) Vakils.

M.R.Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman of Cocanada Municipal Council (Brahman).

M.R.Ry. G. Venkataramayya Pantulu Garu, Chairman of Rajahmundry Municipal Council (Brahman).

M.R.Ry. N. Jaladurgaprasadarayudu, formerly Chairman of Rajahmundry Municipal Council (Brahman).

M.R.Ry. M. V. Ratnam Nayudu Garu, Member Vice-President of Rajahmundry Taluk Board (Sudra).

M.R Ry. G. Lakshmanna Garu, Member of District Board and Rajahmundry Taluk Board (Brahman).

M.R.Ry. M. Sobhanadri Rao Garu (Brahman).

(3) Muhammadan.

Muhammad Ibrahim Sahib Bahadur, Diwan of Pithápuram.

(4) Officials.

H. L. Braidwood, Esq., I.C.S., Sub-Collector.
M.R.Ry. I. L. Narayana Rao Nayudu Garu, Retired Sub-Judge.
,, V. Ramachandra Rao Avargal, Treasury Deputy Collector.
,, P. Srikrishnulu Patrulu Garu, Deputy Collector.

2. The opinions of the following were invited, but no reply has been received :—

(1) Vakil.

M.R.Ry. C. Venkatachellam Pantulu Garu, Public Prosecutor.

(2) Muhammadan.

Ibrahim Sulaiman Sahib, Merchant.

(*3*) *Officials.*

L. A. Cammiade, Esq., Deputy Collector.
M.R.Ry. V. Srivatsankara Rao Garu, retired Deputy Collector.
,, A. Sriram Pantulu Garu, retired Deputy Registrar, Government office.

(*4*) *Christian.*

Dr. Harpster, Evangelical Lutheran Mission.

(*5*) *Brahmo Samaj.*

M.R.Ry. Rao Bahadur K. Veeresilingam Garu, formerly Pandit, Rajahmundry College (Brahman).
M.R.Ry. R. Venkataratnam Nayudu Garu, Principal, Pithápuram Raja's College (Sudra).

(*6*) *Komatis.*

M.R.Ry. Rao Sahib P. Venkatachelapati Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.
M.R.Ry. N. Padmanabham Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.
M.R.Ry. P. Chittiah Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.

(*7*) *Sudras.*

M.R.Ry. K. Suryanarayanamurti Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.
M.R.Ry. K. Basivi Reddi Garu, Merchant.

3. The association of the Ruling princes with Government in an Advisory Council seems to me most desirable. They would be confined to the Imperial Council, but in this it is also proposed to include territorial magnates. It seems to me open to question whether this would be welcomed by the great Ruling Chiefs when that body meet for consultation. Territorial magnates are occasionally creations of Ruling Chiefs and the latter might not accept with readiness a seat at the same Council table with them. I would suggest for consideration that the Imperial Council might be limited to Ruling Chiefs, and territorial magnates be included in the Provincial Councils.

4. In a Provincial Council of twenty-five, seats might be allotted as follows:—

Landholders	10
Trade and commerce	5
Professional classes	3
Missions	1
Muhammadans	3
Retired officials	3

The only class that requires any explanation is Missions. I suggest one, because so far the Missionaries are almost the only persons capable of representing the ideas of the lower orders.

5. I would suggest that, when legislation is contemplated, it might be advisable to consult this body before the Bill is given shape. It might also be consulted regarding measures which affect the population at large in their domestic concerns, *e.g.*, in plague-preventive work. Hitherto legislation interfering with Hindu or Muhammadan law has been avoided, but it might be possible to attempt it in matters calling for remedy if this body recommend it. I might refer to such a measure as the Gains of Learning Bill.

6. As regards the suggested scheme for the Legislative Council, the distribution of seats seems suitable, but it is difficult to imagine how a system of election can be devised for members under (*g*), (*h*) and (*i*). These members will represent the several classes throughout the Presidency. Any system of election must be cumbrous in the extreme, and I consider the trouble involved would be out of all proportion to the small number to be elected. I do not see how these seats could be filled except by nomination.

7. As regards the general conditions, I should limit the franchise to those who have completed 25 years of age. At 21, a man has little knowledge of the world and is easily swayed. I should also exclude all who are not literate. In this country, an illiterate voter is particularly helpless, and it is a frequent complaint that they vote wrongly.

8. Turning to the special conditions, Rs. 5,000 is a high limit for vakils. There are not a large number in the mufassal who make this income, though possibly they pay income-tax on it—indeed this limit, if strictly applied, would exclude the larger half of the profession. This might be suitable in the case of larger electorates, but when a special profession is given a representative, it is open to question if the vote should be confined to such a limited portion of it. The limit is, in my opinion, too high also for adoption in election to Local Boards.

ENCLOSURE No. (1).

Letter—from the Raja of Pithápuram.
To—the Collector of Gódávari.
Dated—the 14th February 1908.
No.—R.C. 340-C.D.

In reply to your communication, dated 21st December 1907, I have the honour to forward herewith my opinions on the Government's proposals for the establishment of Advisory, and the enlargement of Legislative, Councils.

Introduction.—I am one of those who believe in the good intentions of the Government, though occasionally certain acts of theirs, which are the outcome of a misapprehension or a misrepresentation of the "needs and sentiments of the masses of the people," render their motives liable to be questioned. The present solicitousness of the Government to call to the aid of their unaided judgment, the informed public opinion of the country in giving final shape to their proposals for "giving the people of India wider opportunities of expressing their views on administrative matters", entitles the Government to our gratitude and, at the same time, enjoins upon us the duty of plain speaking. The first measure, therefore, upon which I should like to express my opinion, is the establishment of—

Imperial and Provincial Advisory Councils.—The two-fold object which the Government have in view in taking this step is, in their own words, to find a means "for drawing out opinion on measures in contemplation" and "an agency for the diffusion of correct information upon the acts, intentions and objects of Government". But it seems to me that the character and organization of the Council, as at present sketched and suggested, tend to defeat and nullify these very objects instead of furthering them. A body which is expected to perform the double function of representing the needs of the people to the Government on the one hand, and interpreting the mind of the Government to the people on the other, must perforce be such, as is not only in close and constant touch with all strata of society, but possesses also the capacity and the freedom to speak authoritatively on all matters concerning public well-being. That the Ruling Chiefs and territorial magnates who are to constitute the Imperial Advisory Council, are, in general, by virtue of the eminence of their position, too far removed to feel the pulse of the nation down below, and that the few who form exceptions, feel constrained to observe the Golden Rule of Silence in the presence of the powers that be, are matters of common knowledge. The condition that they are to give advice only on matters specifically referred to them takes away from their usefulness as channels for the representation of the people's wants, and the injunction that their proceedings are to be private, informal and confidential, prevents them from explaining to the people the Government's motives whenever any suspicion is entertained as to their honesty or genuineness. The denial of Legislative recognition subjects the members to the withering influence of indifference, and the absence of formal powers of any sort acts prejudicially against the growth of a sense of responsibility. The proposal to have recourse to individual consultation prevents the growth of *esprit de corps* by introducing an element of jealousy, and the right which the Government reserve to themselves of publishing the Council's proceedings at their discretion (which can only mean, when their position is likely to be strengthened thereby), discredits the members in the eyes of the people, as the support they lend to the Government will be more in evidence than the efforts they put forth to advance the interests of the people. The rule that they should all be appointed by the Viceroy makes them feel a delicacy in championing the cause of the people, if it does not enjoin the obligation of standing by the Government always, and the restriction of their term of office, under such circumstances, to five years, warns them into submission to the Government in order to secure their re-nomination at the end of the term.

A Council thus constituted cannot, therefore, serve any useful purposes, except as an ornament, and must fail, as it has failed, to evoke the appreciation of the people. If the Government is at all serious about having a council really advisory, and not, as some have naively put it, "Adversion", in its character, the proposed constitution must be considerably modified, if not wholly altered. No pressure in the shape of nomination should be brought to bear upon the Ruling Chiefs, and only such of them as may express themselves willing to work on the Council, in response to a general invitation, should be taken as members; for where the heart is not, the mind alone cannot be of any avail. The Government may invite the Ministers of those Ruling Chiefs to the Council and compare notes with them. The territorial magnates should all of them, or, at any rate, the major portion of them, be *elected* and not nominated to the Council, if the object of the Government be to give fair representation to the land-holding interests. There will then be no harm in restricting the term of office to five years. The Council should receive Legislative recognition, meet at regular intervals and be free not only to express their opinion on measures in contemplation, but to suggest as well subjects of pressing importance and general interest for the consideration of the Government. The Government must at the same time be prepared to be guided by the opinion of the majority of the Council, as otherwise, there would be no justification for the existence of the Council. Its ranks must occasionally be reinforced from the aristocracy of intellect, as for instance by retired Indian Civilians, Judges of the High Court and Ministers of the Native States, to lend freshness and vigour to the character of its deliberations. It is strange that the Government without adducing adequate reasons should urge the adoption of a policy of informal and confidential proceedings and "individual consultation" in respect of the Imperial Advisory Council, when they do not themselves prepare to follow it in the case of Provincial Advisory Councils, for, be it noted, it is there expressly laid down that "the Head of the Government himself, or some high official deputed by him for the purpose, would preside over their deliberations, and the conclusions arrived at would be recorded by one of the Secretaries to the Government," and that "the Government of India attach the highest importance to collective deliberation since the opinions thus obtained are different from and frequently more valuable than those elicited by individual consultation". This policy may, therefore, be given up. The idea of getting Imperial Advisory Councillors to represent the great landholders in the Provincial Advisory Councils does not seem to be sound. Apart from the fact that Ruling Chiefs, if such there be on the Provincial Advisory Councils, may consider it *infra dig* to work with small landholders and representatives of merchants and capitalists, it is inadvisable that the same persons should serve on the Provincial and Imperial Advisory Councils, for if once a person's advice given in his capacity as a Provincial Advisory Councillor be rejected, there is no point in his tendering it again when the matter is referred to him as an Imperial Advisory Councillor. My other remarks on the constitution of the Imperial Advisory Council apply to that of the Provincial Advisory Councils with equal force.

The next point I should like to deal with is—

The Enlargement of Legislative Councils.—Here again the Government have started with a two-fold object in view to secure a numerical majority for the Government and to ensure the due representation of different classes and interests of the society. The second object is no doubt commendable in itself, though the means proposed to be adapted for compassing that end are open to serious objections; while the first, besides being unnecessary, acts, in the case of members, as an effective check, to the free expression of their opinions at the time of the discussion of measures and to the unfettered use of their discretion at the time of voting on them. There is absolutely no reason why the Government should be particular about having a numerical majority so long as the power of veto vests in the head of the Government. On the other hand, the equality in the strength of official and non-official members coupled with the permission to vote by ballot would afford a surer and more certain standard to gauge the strength of public opinion and test the acceptability of the laws passed by the Government. There is no fear of the Government ever being defeated, for they have the final voice; and if it should be urged that, though the head of the Government may veto an unacceptable measure, the Council may score a moral victory by a majority of them deciding in favour of it, then, certainly, it will be worth the serious consideration of the Government whether, instead of modifying their attitude on such occasions at least, they would be justified in persisting in a course which has been proved to be wrong by the official and non-official members of the Council.

Coming to the Government's proposal to give substantial representation in the Imperial Legislative Council to the great landholders, special interests and minorities, I should like to say a few words with reference to the details of the electorate. It is inadvisable to lay down any hard and fast rule as regards the amount of land revenue which gives the right to vote to landlords. The best course would be to allow the entire body of landholders in each province to elect the representatives direct to the Imperial as well as Provincial Councils. The objections raised by the Government to such a course would hold good even in the case of the small electorate of 100 to 150 proposed by them The alternative suggestion that a representative should be elected by the landholding members of the Provincial Council either from among themselves or from those qualified to vote for, or be a member of, the Provincial Council, is attended with some difficulties. In the Legislative Council of the Madras Presidency, for instance, there are to be only two zamindari representatives, and they are too small a body to exercise the right of election. The word election ceases to have any meaning whether these two

are to "elect" one from among themselves, or from among such of their class as are qualified to vote; for in the former case each will have to elect the other or himself, and in the latter, the two may combine together to select a favourite of either of them.

I am not in favour of special representation being granted to minorities for the simple reasons that they have no special interests of their own, apart from those of the people in general, requiring separate legislation, and that, once such a course is adopted in the case of a particular community, consistency requires that the same should be done in the case of every other. The Brahmans of Bengal, the Arya Samajists of the Punjab, the Parsis of Bombay, the Jews on the West Coast and the sprinkling of Buddhists and Jains that may be met with all over India may require special representation. The Government may, as usual, nominate proper persons to represent unrepresented minorities, but the proposal to grant special representation has the pernicious result of setting up one class against another. But if the Government be particular about showing a concession to the Muhammadan community by way of encouragement, they may allow properly constituted assemblies, graduates of five years' standing and payers of income-tax, to elect direct one member in each of Provincial Legislative Councils, and two to the Imperial Council, one to represent the Hindustan and the other the Deccan. The proposal to confine the electorate to the Muhammadan non-official members of the Provincial Legislative Councils, when a representative to the Imperial Council has to be elected, is open to identically the same objections as those raised by me in the previous paragraph in connection with a similar proposal in the case of the zamindari representative. But there is no reason why certain seats should be set apart in the District and Taluk Boards and Municipalities to be exclusively filled by the Muhammadans, for in the elections to these assemblies they stand as good a chance as any one else.

I am opposed to the nomination of a Ruling Chief by the Viceroy to theI mperial Legislative Council, on the ground that he cannot be expected to take any warm interest in legislation which concerns neither himself nor his subjects. And I fail to see the rationale of the retention of two experts on the Council, when they can just as well be called in on occasions when measures requiring their expert advice come up before the Council for consideration. I would give one representative to the Madras Chamber of Commerce in addition to those of Bombay and Calcutta, and another to the Indian Trades Associations of the three Presidency towns together. The Municipal and District Boards of the Central Provinces and Berar should be allowed to elect a representative of theirs direct to the Imperial Council, as they have no Provincial Legislative Council. I would allow two representatives to be elected by the non-official members of eachof the seven Provincial Legislative Councils. According to my scheme the constitution of the Imperial Legislative Council would be as follows:—

Official and Nominated Members.

The Governor of the Province in which the Council assembles, the Commander-in-Chief and the six members of the Executive Council (ex-officio)	8
Heads of Departments and other nominated members	20
Total ..	28

Non-Official and Elected Members.

By Chambers of Commerce of Calcutta, Bombay and Madras	3
By Indian Trades' Associations of the cities of Calcutta, Bombay and Madras	1
By non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	14
By the Municipal and District Boards of the Central Provinces	1
By the Nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Central Provinces.	7
By Muhammadans	2
Total ..	28

Including the Viceroy 28 + 28 + 1 = 57.

I shall now close my remarks on the subject of the "Enlargement of Legislative Councils" with a few words on the constitution of the Provincial Legislative Councils. My remarks in the previous paragraphs on the maintenance of a numerical official majority and the grant of special

representation to minorities, are as much applicable to the Provincial Councils as to the Imperial. The general conditions suggested by the Government in the application of the scheme put forth as situated for the Madras Presidency are, on the whole, satisfactory with the exception of sub-clause (3) under (*c*), which may be allowed to stand *only* in case educational and property qualifications are separately recognized as giving the title to vote. Coming to the special conditions mentioned in clause (*d*), I am strongly opposed to the creation of a separate electorate of lawyers as they do not form a separate class by themselves, a distinct occupational group possessing special interests, requiring to be safeguarded by a special representative. They belong to all classes and religions and races, and, as such, are eminently qualified to represent any one of them. I fail to see why they should be subjected to any special disability in standing for election as the representatives of any electoral group. Carrying this principle to its logical conclusions, will the Government be justified in saying "no" to a demand from the Government officials, medical practitioners, and merchants' clerks for a special representative of theirs? If, by reason of their intellectual eminence, the lawyers are better able to serve on the Councils and are, in consequence, in great favour with the people, they should not be denied the privilege of representing any or all of the classes from which they themselves have sprung.

In regard to sub-clause (ii) under (*d*) I have already expressed it as my opinion that irrespective of the amount of peishcush paid or the number of acres owned, the entire body of zamindars, proprietors of permanently-settled estates, janmis of Malabar and inamdars of wholly alienated villages, recognized by the Government as such, should be allowed to elect their representatives. As suggested by the Government, there may be two in number, one for the northern and the other for the southern group of districts.

I think with reference to sub-clause (iii), the reasons for the transference of the electoral right from the Corporation of Madras to the citizens of Madras are not plain. The city is represented by the Corporation, and if the Corporation should be represented by one of its members in the Council, there will be a process of double filtration which, in the majority of cases at any rate, is bound to ensure the return of the best man available. I should, therefore, like to see matters left as they are in respect of the Madras Corporation. But if the Government should prefer to have a representative of the citizens of Madras and not of the Corporation, then the voting qualification should be considerably reduced so as to bring the privilege within easy reach of all classes and interests. I would, therefore, extend it to—

(1) Payers of income-tax to the Government, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 1,000.

(2) All graduates of five years' standing who have been residents of Madras for more than six months.

Coming to sub-clause (iv), I am opposed to the Government's attempt to create separate electorates on a caste basis. Successive social and religious reformers have decried caste as clogging the wheels of progress, and it is very strange that, in a century whose watch-word is "Forward", an enlightened Government should think of not only reviving dying sectarian differences but of perpetuating them. The Government may allow these castes separate representation, but, I believe, they are not going to introduce sectarian legislation as well. In that case there is no need for this desire of the Government to give representation to the castes. A Christian like the late Mr. Pragasa Mudaliyar, a Muhammadan like the Hon'ble Nawab Saiyid Muhammad Bahadur, a Sudra like the late Mr. Jambulingam Mudaliyar, have been elected by all classes of people alike, and won their esteem and gratitude. The caste system has long been the bane of India and it is high time that a benign Government should co-operate with the people in extricating society from its clutches. I would, therefore, allow the present method of representation through the Municipal and Local Boards to continue for the double reason that this has produced satisfactory results and that the proposed policy is pregnant with great dangers. The Local and Municipal Boards were intended to serve as a school for training Indians in the art of local self-Government. There appears no reason why the Government should, at this stage, think of going back upon a policy initiated by them after careful deliberation, and attended so far with the most encouraging results. Nor can I understand why a step forward should not be taken in placing these Boards on a more representative and satisfactory basis. The members of Taluk Boards are all nominated and some of them are not sufficiently well educated to realise the responsibilities attached to their office. Oftener than not, the Presidents and Vice-Presidents are officials. These facts are enough to show how far the ideal of local self-Government can be realised by and through these bodies.

As regards clause (*f*), I would strongly urge that literate qualifications should be insisted upon and recognised to be at least as good as property qualifications in entitling a man to vote. Else some of the best and most respected of our public men, who will do honour to any Legislative Assembly, will fail to secure a seat in our Councils.

I have already pointed out that all graduates of five years' standing and payers of income-tax should be considered qualified to vote for or be a member of a Council. Starting from this point I would divide the Madras Presidency into five groups of districts [(1) Ganjám, Vizagapatam, Gódávari, Kistna, Guntúr and Nellore; (2) Chingleput, North Arcot, South Arcot and Salem,

(3) Coimbatore, Nilgiris, Malabar and South Canara; (4) Cuddapah, Kurnool, Bellary and Anantapur; (5) Tanjore, Trichinopoly, Madura and Tinnevelly] and allow each of these groups to elect two members—one to represent the Municipalities and the other to represent the District Boards. I would allow the Indian Trades' Associations to elect a separate representative. According to my scheme the constitution of the Madras Legislative Council would be as follows:—

Official and Nominated Members.

Ex-officio Members of the Governor's Executive Council	2
Chief Secretary to Government	1
Advocate-General	1
Members of the Board of Revenue	4
Collector of Madras	1
Heads of Departments and nominated members	8
Total	17

Non-official and Elected Members.

By the Madras Chamber of Commerce	1
,, Indian Trades' Associations	1
,, Senate of the University	1
,, Corporation or citizens of Madras	1
,, Muhammadans	1
,, Zamindari class	2
,, Municipalities and District Boards of the above-mentioned five groups of districts	10
Total	17
Including the Governor	35

The last point I should like to dwell upon is the discussion of the budget. I feel sure the time has arrived when the people of the country should be allowed a voice in financial matters. At present the budget day is nothing but a speech-making occasion. The representatives of the people are not allowed to move amendments. It is a great disability and something may be done to remove it.

Enclosure No. (2).

Letter—from the Zamindar of Kóttayam Estate, etc.
To—the Collector of Gódávari.
Dated—the 3rd February 1908.
To—Dis. 26/K.E.

With reference to your letter, Ref. on G.B. No. 1552-Rev., dated 18th December 1907, on G.O., No. 886, dated 22nd November 1907, regarding the administrative reforms proposed therein, I have the honour to make the following few suggestions.

2. Regarding "the Imperial Advisory Councils" in paragraph 5, clause 6, of the Referendum, it is suggested that the power of initiating the proceedings may also be given to the Councillors. This clause may be amplified thus: "That its functions should be purely advisory and that it should deal only with such matters as might be specially referred to it from time to time or deal only with such matters as might be specially brought to its notice by the members of the Council from time time." When questions of sufficient moment arise, whenever it is found expedient to bring such matters to the notice of Government and whenever any erroneous or incorrect impressions prevailing through the country require rectification it may be necessary for the members to take the initiative in them and inform the Government in the interests of good administration of the country.

3. From the same paragraph 5, clause 3, it appears that the Imperial Advisory Council should consist of about 20 ruling chiefs and about 40 territorial magnates of every province. The constitution of this Council is thus good, but however it may be advantageous to introduce therein a little element of educated people of good reputation and sterling worth.

4. I have no more suggestions to offer in connection with the other proposals.

ENCLOSURE No. (3).

Letter—from M.R.Ry. D. SESHAGIRI RAO Avargal, High Court Vakil, Chairman of the Municipal Council, Cocanada.
To—the Collector of Gódávári.
Dated—the 13th January 1908.

I have the honour to submit herewith my views on the several measures mentioned in G.O., No. 886, dated 22nd November 1907.

Imperial Advisory Councils.

I am of opinion that the Ruling Chiefs and the territorial Magnates of British India should be consulted and associated with the administration of the country. The Imperial Advisory Council should consist of—

(1) The Ruling Chiefs (20).
(2) (*a*) The territorial Magnates (24).
(*b*) Other British subjects (16).

The Ruling Chiefs are to be consulted (preferably individually) in all matters of general importance to their territories. I do not think that their advice will be of much use with regard to matters which do not affect the Native States in general. The Ruling Chiefs should constitute an exclusive body by themselves as they may not, under the present circumstances, wish to be mingled with others. They may consider it derogatory to their dignity to be grouped with others. I further suggest that, if necessary, the Ruling Chiefs may be given the option of being represented by their Ministers or Diwans.

Secondly : In addition to the territorial Magnates British subjects who from their position, intelligence and loyalty to the British Government form useful members of the consultative body may also be nominated. One of the necessary qualifications of the latter must be a sincere desire to interpret the measures of Government to the people who at present are in deplorable ignorance as to the motives of Government which are more often than not mischievously misinterpreted. In a majority of cases, the best intentions of Government are thus misunderstood. Every attempt should be made to prevent the misunderstanding and misrepresentation.

The members of the Advisory Council may be consulted on all measures affecting the administration. They may, when necessary, be constituted into committees, and be required to report on such matters. One or more of them may be deputed to gauge public opinion on any measure, and supply the necessary information.

Provincial Advisory Councils.

It may consist of 25 members. Of whom—

Ten may be great landholders.
Three smaller landholders.
Three European merchants, planters, etc.
Three Indian merchants.
Three lawyers—one European and two Indian.
Three representatives of other professions.

Imperial Legislative Council.

C. One seat for a Ruling Chief may be omitted as his presence may not be of much use in the Legislative Council.

D. (*a*) The Chamber of Commerce, Madras, may also be given the privilege of electing a member.

(*d*) May be omitted altogether in the interests of administration.

E. The number of non-officials nominated by the Viceroy may be raised to six of which such number as may be considered by the Viceroy to be necessary may be Muhammadans, as there is a chance of several Muhammadans being returned under clauses (*b*) and (*c*) of section D.

There is no necessity of fixing the number of Muhammadan members under E. If a sufficient number of Muhammadans are not returned under clauses (*b*) and (*c*) of section D, the number of Muhammadans nominated may be even raised to four or five, the object to be kept in view being to prevent the preponderance of any one community to the prejudice of other communities which should all be treated alike by Government.

Provincial Legislative Councils.

I do not think that any useful purpose will be served by giving several castes the power of election. It will accentuate the differences between various castes which are the bane of the country. As a class, pleaders have the intelligence and leisure to devote time to public work. At present, it is difficult to find a proper electorate to work on the lines proposed in the annexure and even if it be possible to form one, it is very probable that indifferent men will be elected, the success in all elections depending upon the vigour with which canvassing is carried on : really good men not caring to be drawn into the contest, and the electorate not being sufficiently intelligent to appreciate the merits of the several candidates.

At present, intelligent and public-spirited men are all generally members of the District Boards and Municipal Councils, and I am of opinion that they may be, as before, given the privilege of election.

The District Boards and Municipal Councils of the Northern group may be allowed to elect three members while those of the Southern group three.

I would propose the distribution of seats as follows :—

(*a*)	To be nominated by His Excellency the Governor		6
(*b*)	To be selected by the Madras Chamber of Commerce		1
(*c*)	Do. by the Senate of the University		1
(*d*)	Do. by zamindars, proprietors, etc.		2
(*e*)	Do. by the Corporation of Madras		1
(*f*)	Do. by the Northern group of District Boards and Municipalities		3
(*g*)	Do. by the Southern group of District Boards and Municipalities		3

If any one class or caste preponderates, Government may adjust the nominations to counterbalance it.

Enclosure No. (4).

Letter—from M.R.Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder, Rajahmundry.
To—the Collector of Gódávari.
Dated—Rajahmundry, the 4th February 1908.

With reference to your letter, Ref. No. G.B. 1552/Rev. of 1907, dated 21st December 1907, I have the honour to forward the accompanying memorandum containing my opinions on the several proposals detailed in G.O., No. 886, dated 22nd November 1907.

Imperial Advisory Council.

Proposal 1.—I suggest that the proposed Council may be called "The Imperial Advisory Committee". The word "Council" conveys an idea that it is an authoritative body recognised by a statute.

Proposal 2.—I assume that the title ceases when its recipient ceases to be a member. I am against members of the proposed Council getting any title simply by virtue of their appointment as members. I apprehend that this may give rise to unfair play in the matter of some of the candidates other than Ruling Chiefs getting themselves appointed or continued as members. The Ruling Chiefs may not care for any such titles. Let Government bestow such titles as they please upon those who really deserve by their work as members.

Proposal 3.—The number may be raised to a hundred as it is purely a consultative body; as the area to be represented is very extensive; and as it is not likely that all members will meet on any one occasion.

I don't think that Ruling Chiefs will be of much use in a Council of this sort. Even on questions common to them and to us we cannot expect much from them. It is very doubtful whether a Ruling Chief in the position of the Nizam will condescend to sit and discuss with a zamindar who was formerly his creature and who now happens to pay peiscush or land revenue of Rs. 20,000 to the Government. If the object of the Government in having the Ruling Chiefs in the Council, is to get information from them as to how similar questions and matters have been handled or disposed of or dealt with in the Native States, I think it is better to have their ministers in their stead. The term "Territorial Magnates" is vague. If the Government mean by it great zamindars, I submit that such zamindars will be very few and most of them will not be sufficiently educated. It may be admitted on all hands that there will be no use of appointing to such a Council as this, one who is not able to express his ideas fairly well in English. If a fair knowledge of English is required of them, I don't think the Government can find an adequate number and if the Government expect of them the use of their brains, the Government will find a much less number. As the appointment is by selection and not by election, the Government can select the number they will ultimately fix for the Council, from among the Ruling Chiefs and from among the educated people of sufficient status and influence belonging to different classes representing aristocracy, landed interest, trade, industry, and professions without committing themselves to selecting any particular number from any class.

Proposal 4.—As the people of India are now in the educative stage for representative institutions, I would suggest that the term should be reduced to three.

Proposals 5, 6 *and* 7.—As this scheme is intended as a tentative measure, I have nothing to say against these proposals.

Provincial Advisory Council.

I would call this also a Committee. As to its constitution, I would suggest that Collectors might be required to nominate three members for every district—one representing landholding, one representing professions and one representing commerce, industry and capital. I put the

three latter under one class as they are closely connected with one another. Out of these nominees, the Local Government may make a selection. In making a selection out of those that are recommended by the Collector, the Local Government may have in view the principle of selecting one at least for every district. A nominee as representing a particular class may not only represent his class in his district but similar classes in some other districts also. There will be therefore no difficulty in selecting one at least for every district and in securing a good number on the whole, representing each class. The number thus selected by the Local Government *plus* the Provincial members of the Imperial Council should form the Provincial Council.

In the matter of selection by the Collector in the first instance he will be guided not only by the property qualifications of the nominee but also by the educational qualifications, the status and influence he possesses in the district.

The number may be raised even to forty if it becomes necessary so as to have one at least from every district in addition to the Provincial Members of the Imperial Council.

Imperial Legislative Council.

There will be no difficulty in constituting an electorate from among the nobles and great landlords but to make it work satisfactorily is, I think, almost impracticable. As it is very likely that a good number of landholders will get into the Provincial Council, I would suggest that the non-official members representing the landholding class might be given the power of electing a member to the Imperial Council from among themselves or from outside.

I would also suggest that the number 4 under (*e*) might be raised to 6 as there are more than two to be taken into consideration under the heading of "Minorities" or "Special interests".

Provincial Legislative Council.

I would suggest the strength of non-official members to be raised to 20. Of course the official strength might increase proportionately.

The addition of the three seats which I suggest may be distributed as follows:—

Two more for class J ("all other persons"). One for Agency tracts which I suggest to be added to the classes as class (K).

I think there should be some difference in the property qualifications for voters and candidates. I would insist on the candidate possessing also a fair knowledge of English. I would have for the candidates for election the property qualifications as laid down in the scheme suggested by the Local Government and for voters, I would reduce them by half.

I presume that the persons falling under G, H, I and J do not include the corresponding classes residing in the city of Madras. Otherwise there will be two chances of voting for a Brahman residing at Madras whereas there will be only one chance for a Brahman outside Madras.

As to general condition (2) after the words "twenty-one years of age" I shall add the following words also: "and ceased to be a student". As to general condition (4), I would suggest that the term should be reduced to three as we are now in educative stage for representative institutions. As it is almost impracticable to constitute an electorate over so large an area as a province especially from classes G, H and I, so as to make it work satisfactorily, I would suggest that the selection from these classes might be by nomination by the Government. If election is insisted upon from these classes also, I would suggest that the province might be divided into five or six groups and these classes in those groups might be asked to elect one for each group. There would be thus five or six persons of each class elected. Out of those elected, the Government may nominate one for each class.

For agency tracts, I would suggest only nomination.

Enclosure No. (5).

Letter—from M.R.Ry. Ganti Lakshmana Garu, B.A., B.L., High Court Vakil, Member of Rajahmundry Taluk Board and Gódávari District Board, etc., Rajahmundry.
To—the Collector of Gódávari.
Dated—the 25th January 1908.

Adverting to your letter Ref. on Cur. No. G.B. 1552/Rev. of 1907, dated 16th December 1907, forwarding a copy of the G.O., No. 886, Public, dated 22nd November 1907, for my opinion on the Government of India reform proposals therein detailed, I have the honour to submit the following suggestions for consideration.

General remarks.—It is noteworthy that the new reform proposals have not met with enthusiastic reception at the hands of the educated classes, notwithstanding the declaration on the part of the Government of India that "they recognise the essential justice of the claim that is put forward and that they are convinced that it is possible, without neglecting the other interests and obligations involved, to move gradually forward towards the fulfilment, in no grudging spirit,

of a pledge which the peoples of India are entitled to regard as inviolable." The reason for this obvious lack of enthusiasm is to be sought in the evident dissatisfaction displayed by the Government at the growing influence of what the Government is pleased to call the "Professional classes" and the transparent attempt made in the Government order to cripple their "excessive" influence by "creating an additional electorate recruited from the landed and monied classes to supply the requisite counterpoise." The new reform scheme has not therefore come to be viewed as a courageous advance on the path of progressive Government, dictated by far-sighted statesmanship. A reactionary spirit seems to have come over the Government of India in framing the so-called reform proposals which appear, when subjected to a close analysis and a critical examination, to have been deeply coloured by the desire to create a counterblast to the growing influence of the educated middle-class, which has begun to feel the burning sense of the stigma of an inferior status to which the people of India are subject even in their own country, not to speak of the indignities, humiliations and hardships which are the common lot of their countrymen in other parts of the Empire. Under these circumstances, it is not certainly the part of wise statesmanship to exclude them from what little share they have in administering the affairs of the country, to give them the cold shoulder and to treat their aspirations with utter contempt. It is not certainly the part of wise statesmanship to conceive the so-called reform measures in a reactionary spirit and to smother the growing aspirations of an awakened people for a real share in the Government of their own country. It is not certainly the part of wise statesmanship to introduce in the name of equal representation, elements of sectarian strife into the composition of the Legislative Councils The Government seem to have been taken aback at the results of educational progress, which earlier British statesmen have planned and carried out with courageous prescience just when the predictions of prophet-statesmen like Lord Macaulay have begun to give promise of fulfilment. Briefly, the so-called reform proposals turn out to be steps in a retrograde movement and are calculated more to deepen discontent among the people than to satisfy their legitimate aspirations.

Imperial and Provincial Advisory Councils.—Whatever may be the benevolent intentions on the part of the Government of India in proposing to establish the Imperial and Provincial Advisory Councils, the constitution and functions assigned to them betray a hesitency and lack of courage in framing the proposals. Devoid of statutory recognition and destitute of all powers of initiative and control in the affairs of the administration, the councils are more apt to degenerate into ornamental appendages of the Imperial and Provincial Governments than be any useful factors in promoting good Government. Under these circumstances, I shall only make a few observations touching their functions and the record of their collective consultations. In the first place, it is well to understand clearly at the outset whether the ruling chiefs and the territorial magnates who compose in the main the Advisory Councils are there to represent the needs and sentiments of the masses of the people, "acquainted as they are with their daily life" and therefore "qualified to speak with authority on their behalf" or whether they are honoured with places on the Council to give expression to their individual views and safeguard their vested interests. If their function is to play the rôle of "hereditary leaders" and true representatives of the people, then it is only proper that the collective consultations in which they are engaged with the Government should be exposed to the full blaze of publicity, so that they may not find it convenient to give expression to their individual opinions without due regard to the sentiments of the people whom they are supposed to represent. They can only act with a full sense of their responsibility, when popular sentiment has the fullest play to make itself felt on their acts and utterances. Where the proceedings are "private, informal and confidential", they may in some small measure conduce to a frank interchange of opinion but the danger of their views and opinions being deflected by considerations other than those which make for public weal is all the greater. It may be that the councils may be often requisitioned to act as "agencies for the diffusion of correct information upon the acts, intentions and objects of Government" but it is highly problematical if they can be of any real service in shaping administrative measures in contemplation so as to bring them into line with popular needs and aspirations. More often they will lay themselves open to the charge of enabling the Government to buttress itself behind the collective good sense and the corporate wisdom of the councils of notables in the promulgation and execution of unpopular and repressive measures. However it be, I fail to see how a ruling chief can find a legitimate place in the councils of the Government of India, though his presence may lend dignity and grandeur to the council and its deliberations. I am afraid that the proposal is apt to wound the susceptibilities of ruling chiefs rather than minister to their sense of self-respect and independence. My opinion, therefore, on the subject of the proposed Imperial and Provincial Advisory Councils is that they would be mere ornamental appendages unless they are accorded statutory recognition and definite functions for the due exercise of which it should be incumbent on the Government to summon them for purposes of collective deliberation on important matters of administration, which it is necessary to lay down at least in outline. In my judgment, it would conduce to good administration if Advisory Boards composed of representative men are constituted for each district making it obligatory on the Collector to summon them for collective consultation on such important topics as famine-relief, income-tax, land revenue remissions in case of drought, floods, etc.

Enlargement of Legislative Councils.—In examining the results of the operation of the Indian Councils Act of 1892 and the rules framed thereunder the Government of India has come to the

conclusion that the elective system thereby introduced "has given to the legal profession a predominance in the Provincial Councils to which it is not entitled while it has signally failed to represent other important elements in the community." Though this observation may be statistically true, it does not comprehend the whole truth. The legal profession as such, as far as I have been able to gather, has had no interests of its own to advance in the Legislative Councils. The representatives in the Council recruited from the legal profession have not been known to have championed the passage of any measures which are directed towards the advancement of the interests of their profession. They have gained entrance in pretty large numbers into the councils because they have attained to positions of pre-eminence in their community by dint of their public spirit, patriotic services and personal worth. It is a well-known fact that prominent legislators in the legislative assemblies all the world over have been largely drawn from the profession of law, because the study of jurisprudence and of constitutional history is calculated to develop their aptitude and capacity for legislative work. It is unnecessary for me to elaborate the point further. Speaking with special reference to Madras, landed aristocrates and territorial magnates have not hitherto been known to have sought the suffrages of the existing constituencies for admission into the Legislative Council. It may be that they have been prevented by a sense of delicacy or pride of birth. They have withal uniformly enjoyed a seat in the Legislative Council through the courtesy and good graces of the Government. Under these circumstances, it is unjust to lay the entire blame for the non-return of representatives from other classes or communities on the electorates which have hitherto enjoyed the privilege of election.

The true principle of representation.—I may at once say that I recognise the essential justice and expediency under present conditions of the representation of special interests and minorities. But unfortunately a principle whose application can only be justified by the existence of special circumstances seems to have overshadowed the observations of the Government of India in paragraph 22 of its order and has consequently found its logical consummation in the Provincial scheme of the Madras Government for the enlargement of its Legislative Council. To introduce the principle of representation of races, castes and religions is to introduce elements of racial animosity, caste hatred and religious strife into the composition of the Legislative Councils. When once recognition is given to the principle of representation by caste and creed, it will afford an invitation to rival castes and religions to press for the bestowal of similar privileges and will awaken aspirations for representation in the Councils of the Government, which cannot possibly find fulfilment. In my humble judgment, the true principle of representation to be practised in India, even under present conditions, is, while making due provision for the representation of special interests and minorities, to so constitute the electorates as to bring out points of unity and of contact among the members of various communities and bring them on a common platform. Sound statesmanship requires that a community of aims and aspirations, based it may be on a community of common interests which may have only been recently awakened by a sense of allegiance to a common sovereign, should be sedulously fostered by a far-sighted Government to promote smooth and orderly administration, rather than that countenance should be given, in however small and indirect a manner, to the accentuation of caste differences and religious jealousies. It is submitted that the principle of caste and creed representation suggested by the Government of India and ruthlessly worked out to its logical conclusions by the Government of Madras is fraught with far-reaching results to the peace and harmony and good Government among His Majesty's subjects.

Occupational groups—an impossible division.—Even the division into "occupational groups such as landholders, cultivators, traders and professional men" assigning to each group a fixed proportion of sets in the Local and Municipal Boards resolves itself into a division of the rights of representation on a caste basis, because certain castes are required in the Government order to be selected as representatives of each group. With the impact of new ideas and of the new civilisation that has set in and under the stress of changing conditions of life, the old rigidity of caste occupations has been rapidly giving way and it is now-a-days difficult, nay almost impossible to definitely demarcate the occupational groups under district caste heads, as in many cases there may occur an overlapping of occupations which are not determined solely by membership of a caste or community. Such an arrangement is likely to lead to confusion of interests and complications in registration, which can only be solved by arbitrarily ignoring hard facts in the actual conditions of life. As I have already submitted, it is open to the Government to hold in its hands a sufficient reserve of legislative seats to redress inequalities in representation and give representation to minorities or special interests as necessity requires.

Minorities and Special Interests.—As the landed aristocracy has hitherto exhibited a reluctance to seek the suffrages of the constituencies as now formed for admission into the Legislative Council, I think it is only fair to give the territorial magnates and major landlords special representation in the Legislative Councils by constituting separate electorates of the large landholders or by means of nomination where it is likely that election even on the basis of a special and limited electorate will be repugnant to their sense of self-respect and their hereditary traditions.

The Madras Legislative Council and the Local Government proposals.—I shall now attempt a detailed examination of the scheme for enlarged non-official representation in the local Legislative Council. Of the seventeen seats provided for in the scheme, two are set apart for nomination by His Excellency the Governor, a seat each is assigned to the Madras Chamber of Commerce and the Senate of the University as before, one seat is allotted to be filled up by

the citizens of Madras, a privilege which has hitherto been enjoyed by the Madras Corporation; while a seat each is given to Brahmans, Muhammadans and Christians on the basis of caste and creed representation and two seats are bestowed upon zamindars and proprietors. Barristers and other members of the legal profession are accorded one seat, whereas six seats are reserved to be filled up by selection by "all other persons". As I have already submitted, the Madras Government seems to have given its whole hearted acceptance to the principle of representation adumbrated by the Government of India in paragraph 22 of its order. It is not clear why the Brahmans of all castes should be given the privilege of representation on the council any more than the Kshatriyas or Vaisyas. The Brahmans as a sacerdotal caste have no interests of their own to safeguard, which are not shared in common by members of the other castes. Having set forth my objections to the principle of representation underlying the distribution of seats of the Council at some length already, it is needless for me to elaborate them further. The principle which has found acceptance in the Provincial scheme is radically wrong and deserves to be eschewed altogether, as its operation is bound to lead to mischievous consequences. Nor is it easy to understand why Barristers and other members of the legal profession should be given special representation; and it is not feasible to fix upon an electorate ready to hand, as we have no incorporated societies representative of the profession. Moreover, it is incomprehensible whom the non-descript class of "all other persons" to whom six seats are allotted, is intended to cover by the Madras Government.

Constructive proposals.—The only reasonable principle that can meet with the approval of the educated community is, so far as I have been able to judge, one of the territorial representation subject to due provision being made for the representation of special interests and minorities as already stated.

I would, therefore, allot the seventeen seats as follows:—

	Seats.
(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) By the Senate of the University	1
(*d*) By the Corporation of Madras or by its citizens	1
(*e*) By the zamindars and proporietors	2
(*f*) Selected by Muhammadans through their Anjumans or other public bodies	1
(*g*) Nine groups of districts into which this Presidency is to be divided one each	9
Total ..	17

As seen above, I would give a seat to each of the corporations or associations of merchants which have hitherto enjoyed the privilege and allot three seats for the representation of special interests and minorities. Two seats are reserved to be filled in by His Excellency the Governor, while I would sub-divide the Presidency into nine territorial groups, giving each group a seat on the Legislative Council. I may remark in passing that I would divide the Presidency into two groups as far as the landed interests are concerned and would give one seat to the zamindars and proprietors in each group; but that is however a matter of detail which can be settled after consultation with the parties immediately concerned.

Existing Electorates ignored but they should be retained.—It is a curious feature of the tentative scheme propounded by the Government of Madras that it altogether ignores the existing electorates of Municipalities and District Boards which have till now been invested with the privilege of electing members to the Legislative Council and the reasons for such a course seem to lie principally in the principle of caste and creed representation which has found favour with the Madras Government and on which the redistribution of non-official seats in the Legislative Council has been based. Obviously, the existing electorates cannot possibly be grouped under caste heads nor can they be brought under the category of distinctive creeds. The principle of caste and creed representation which has only been tentatively thrown out by way of suggestion by the Government of India has been allowed to pervade the whole scheme prepared by the Local Government and has left a deep impress on its proposals. The Local Government seems to have overlooked the remark of the Government of India "that it does not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils, which they have enjoyed for the last fourteen years." The Government of India goes on to mark "that it does not however follow that the present system of voting must be maintained unchanged and that a solution might perhaps be arrived at by introducing special qualifications for members of council while leaving the electoral franchise in other respects unchanged." I would retain the franchise now enjoyed by the District Boards and Municipalities as they provide convenient bases for election to the Legislative Council but would do away with the artificial distinction between municipal and rural interests, which now divides them into distinct electorates. I would give the members of Municipal and District Boards the right to elect direct to the Legislative Council rather than through the process of double distillation which obtains at present. As for the special qualifications for candidates to the Legislative Council to which the Government of India refers, I think it is unnecessary to lay down any and would prefer to leave it to the collective good sense of the electoral bodies.

Property qualification abnormally high.—The Local Government has fixed an annual income of Rs. 5,000 as the minimum qualification for a voter and *a fortiori* for a candidate to the Legislative Council. With the property qualification fixed so high, it would be obviously impossible for gentlemen of the type of the Hon'ble Mr. Gokhale, who have consecrated their lives to poverty and to the service of their mother country and whose record of public work and patriotic achievements would shed lustre on any legislative assembly to which they might belong, to get admission to the local Legislative Council. The Government of Madras may set itself seriously to evoke the sympathy and enlist the co-operation of the "landed and monied classes." They may set their heart on rallying the landholding and commercial classes "possessing a material stake in the country" and on enlisting the support of the "most powerful and stable elements in Indian Society." But education, culture and patriotic public service ought not to be at a discount in the councils of any Government. Under such a restricted system of franchise, representation itself would be reduced to a farce and the small modicum of privilege of participating in the administration of the country gravitates into the hands of the wealthy few to the detriment of the middle class many. The voice of the educated middle classes will not count in the councils of the Government but will only be a voice in the wilderness. One loses all patience when the reform proposals which the people have been made to look for with eager expectation turn out to be retrograde measures in their scope and tendency; and even the most optimistic amongst us is apt to give way to despair, hopeless of winning any real concessions from the Government.

Budget.—The mere provision for the discussion of the budget in compartments is not, in my humble opinion, calculated to make the discussion more fruitful, even though it may be made less discursive. A mere prolongation of the debate without widening the functions of the council cannot possibly satisfy the demands of educated public opinion.

I thank you for having afforded me this opportunity of expressing my opinions on the reform proposals.

ENCLOSURE No. (6).

Letter—from M.R.Ry. V. RAMACHENDRA RAO PANTULU Garu, Deputy Collector in charge of the Treasury, Gódávari district.
To—the Collector of Gódávari.
Dated—Cocanada, the 15th January 1908.
No.—D. Dis. 39/Accts.

I have the honour to submit the report called for in your Ref. on G.B. No. 1552-Rev., dated 16th December 1907, regarding the proposed scheme for the establishment of Imperial and Provincial Advisory Councils, and the enlargement of the Legislative Councils, embodied in G.O., No. 886, Public, dated 22nd November 1907.

2. The first paragraph of the memorandum appended to the order invites suggestions as to the constitution of the Advisory Councils and the work which may be devolved upon them. The lines on which they might be formed are suggested in paragraph 5 of the Government of India's letter embodied in the order. Altogether there are seven proposals, of which a few call for remarks.

3. The second clause lays down that all the members should be appointed by the Viceroy and should receive the title of Imperial Councillors. In the preamble to the letter from the Government of India read in the Government Order, it is said that the main object of the proposed reform is to give to the *people of India* wider opportunities of expressing their views on administrative matters. This system of nomination by the Viceroy should, I think, make room for the popular elective system. It is not easy matter to find out for nomination all the men best fitted to advise Government in the practical administration of the country. The people are generally in closer contact than Government, with their leaders, and they know who can best represent their wishes to the Sovereign. Having due regard to the paramount nature of the British power in India, it does not seem unfair to give the people the privilege of direct representation by allowing them to elect one-half of the members of the Advisory Council, the other half being filled up by nomination.

4. The third clause treats of the internal composition of the Imperial Council. It is proposed that the Council should consist of about 60 members for the whole of India, including about 20 ruling chiefs, and a suitable number of territorial magnates, where landholders of sufficient dignity and status are to be found. It is however a question how many of them are qualified for the proper discharge of duties of such grave responsibility, as are imposed upon them by the present proposal. It cannot be denied that among the ruling chiefs, there are educated and wise men; but I think their number is limited, as along with the qualifications mentioned above, there must be such of them as are in close touch with the people. Some are wanting in moral courage to act independently, and as such, cannot be expected to voice forth freely the wishes of the people. There are many territorial magnates in the country, but are no better than the ruling chiefs. The proposal of the Government is obviously based on the presumption that a man who derives a certain maximum of land revenue, has a corresponding interest in

the general administration of the country, and should therefore find a place in the Imperial Council. It should be admitted that they are entitled to advise Government, not as specially privileged landlords, but as the leaders of the public opinion by right of fitness for the work; and such of them as are fit for the position will be the first among those chosen by the people.

5. A council of wisemen with practical experience are better filled to advise Government in the general administration than a set of rich but ignorant landlords. A man's land revenue alone is not the criterion of his fitness to be an adviser. I am therefore of the humble opinion that proper education also is quite necessary along with richness, which should be of secondary consideration. Otherwise he can be of no use to Government. I would therefore propose that one-third of the number of Councillors be reserved for the ruling chiefs and territorial magnates.

6. If the Advisory Councils are to be of use, Government should give to experience and wisdom a fair share of space in the Council. A third of it may therefore consist of Indians either retired or yet in the service of Government, who held or are holding high places of honour in its own service. These are ripe with experience and wisdom, and are, as such, better fittted to give practical advice to Government in the administration of the empire. A third may be made up from the non-official members of the new Legislative Councils. One-half of each class may be recruited by nomination by the Viceroy, and the other left to be publicly elected by the people. Such an arrangement will be representative of the *Indian people*, without being opposed in spirit to the paramount nature of British power.

7. The same remarks hold good of the Provincial Advisory Councils as well. It may consist of 24 members equally divided into three classes on the analogy of the Imperial Council with this difference, that the third class should embrace the commercial and professional classes. As in the case of the Imperial Council, one-half of the members of each class may be nominated by Government, leaving the other half to be elected by the people.

8. With regard to class (6) of paragraph 5 of the India Government's letter, I think freedom of speech and free access to the Viceroy, when necessary, should be conceded to all the councillors. These privileges are necessary that the Council may justify its existence.

9. Regarding the proposals for the expansion of the Legislative Councils, there are three points for consideration, viz., (1) the proposal to counterpoise the excessive influence of the lawyers by creating an additional electorate from the landed and monied classes; (2) the desire of the Supreme Government to maintain an official majority in the Legislative Councils, in consonance with the paramount nature of the British power in India; and (3) the representation of special interests and minorities.

10. In paragraph 9 of the India Government's letter, it is stated that the elective system has given too much room to the professional classes, especially lawyers to the exclusion of the landlords. The difficulty in the way of the people recognising the landlord of ordinary qualifications as their true representative is explained above. He should doubtless have a place in the Legislative Council; but the privilege should only be proportionate to his capacity to speak for the people. The middle classes consist mostly of professional men, and the view that the Government of India have entertained with regard to the latter, tends to affect the interests of the middle class. The lawyers are qualified to speak out the wishes of the people, and as such are entitled to a fair share of representation in the councils as they are in close touch with the people.

11. The division of the council between the official and non-official members seems to have presented some difficulty. In paragraph 10 of the Government of India's letter, it is said that the principle of a standing majority of official members is a legitimate and necessary consequence of the nature of paramount power in India. The casting vote of the presiding member, the natural and legitimate consequence of the paramount power seem to be sufficient safeguard against non-official preponderance. An equal division of the Legislative Council between two classes would secure popularity and uniformity.

12. The proposal of Government to make special provision for minorities and special interests does not seem to be beneficial. It tends to the conversion of a popular cause into a personal interest. It does not seem to be desirable that Government should be guided by considering the claims of particular castes and creeds in an affair of this kind. It is a national cause and the people are Indians to whatever caste or creed they may belong. A qualified man stands a good chance of being elected irrespective of his caste or creed. The system of nomination in part is a sufficient safeguard against unequal representation. Any special rules on the subject do not seem to be advisable.

13. In the light of the foregoing remarks, the plan suggested by the Madras Government in paragraph 6 (*a*) of the memorandum appended to the Government Order under reply would require some modifications. The number of non-official members should be raised so that the number may be equal to that of the official class. This would give the non-official members sufficient strength for successful representation. The nomination of two official members by His Excellency the Governor would leave the balance in favour of the official side, without at the same time weaking the other party. Instead of the elections under sub-heads (*g*), (*h*), (*i*) and (*j*), the present elective system by district boards and municipalities may continue. It

would be a retrograde step to deprive these bodies of the franchise hitherto allowed to them. If Government should, however, think it desirable that provision must be made under these sub-heads, it may be done either by increasing the number of non-official members, or by omitting sub-head (*j*) and continuing the franchise enjoyed by the local bodies, by allowing them to elect at least six non-official members. This would render the council more practical and truly representative of the people.

14. In paragraph 5 of this report, I have touched upon the necessity of the literate qualifications in a member of such an important institution as an Advisory Council. I may add that the same remarks applies to the Legislative Councils as well. In paragraph 6 (*f*) of the memorandum, the Government have rightly observed that it is a question whether literate qualifications should be insisted upon, as a qualification for voting. The answer should be in the affirmative. It is an absolute necessity that every man should be well conversant with the English language that he may take part in all public movements of the present day; but as it is impossible to determine the qualifications in every individual case, a general minimum standard may be prescribed in addition to some property qualification. It is as important in the service of the people as it has been in the service of Government, and there exists no reason why its importance should be ignored.

XXXVIII

Letter—from F. C. Parsons, Esq., I.C.S., Acting Collector, Vizagapatam.
To—the Chief Secretary to Government.
Dated—the 24th December 1907.
No.—D. Dis. 82.

In reply to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to submit the following remarks on the memorandum annexed thereto.

2. *Paragraph 2 of the memorandum.*—The members of the Provincial Legislative Council might be made ex-officio members of the Provincial Advisory Council and, in addition, His Excellency the Governor might from time to time nominate members who were considered especially fitted to advise on subjects which were coming up for discussion. There seems to be no necessity for fixing the number of members of the Advisory Council. If the above proposal were adopted the number would be 17 to begin with and 25 might be fixed as a maximum. Having selected the members of the Legislative Council there seems to me to be no necessity for repeating a tedious process in order to select members for the Advisory Council. Paragraphs 2 and 10 of the Government of India letter No. 2310, dated 24th August 1907, show that both the Advisory and Legislative Councils are to represent all classes so that the same body of men might sit on both Councils and perform the different functions mentioned in paragraph 7 of that letter.

3. For the reasons given in paragraph 6 (*e*) I would prefer nomination by the Governor to election by the classes mentioned in paragraph 6 (*a*), (*g*), (*h*) and (*i*). I do not think there is any necessity for providing for special representation for Brahmans. Their superior intelligence and influence would ensure their representation under (*c*), (*d*), (*f*) or (*j*). Hindus are everywhere in a great majority over men of other religion, and I do not think any particular class of Hindus needs special representation. If any one class is to be selected for this purpose, I would select Vysyas who possess most of the wealth and carry on most of the trade of the country and will very likely not be represented unless by the Governor's nomination.

4. I enclose a list of persons whom I have consulted with their opinions.

List of persons consulted in connection with the formation of Advisory Councils and the enlargement of Legislative Councils.

1. The Maharaja of Bobbili (sent separately).
2. The Maharaja of Jeypore } opinions not yet received.
3. The Honourable the Raja of Kuram }
4. The Maharanee Lady Gajapati Rao Garu.
5. The Zamindar of Salur.
6. M.R.Ry. Sri A. V. Jagga Rao Garu, F.M.U. } opinions not received.
7. The Proprietor of Kasimkota. }

8. M.R.Ry. Diwan Bahadur V. Ananta Row Pantulu Garu, Audit Officer, Vizianagram Estate.

9. M.R.Ry. K. Ramanujachariyar Avargal, M.A., B.L., Principal, Maharaja's College, Vizianagram.

10. M.R.Ry. Akella Suryanarayana Row Pantulu Garu, Government Pleader, Vizagapatam.

11. „ The Hon'ble B. Narasimheswara Sarma Garu, B.A., B.L., Vizagapatam.

12. D. Lazarus, Esq., B.A., Principal, London Mission High School, Vizagapatam.

} opinions not received.

13. Munshi Sheik Mowla Saheb, Honorary Magistrate, Vizagapatam.

14. M.R.Ry. Diwan Bahadur D. Dharma Row Naidu Garu, Waltair.

15. M.R.Ry. Perla Ramamurti Chetti Garu, Vizianagram

16. H. A. Gass, Esq., Manager of the Vizianagram Estate

} opinions not received.

17. M.R.Ry. P. Sita Row Pantulu Garu, Treasury Deputy Collector.

18. „ K. Narasimham Pantulu Garu, Personal Assistant to the Raja of Vizianagram.

19. M.R.Ry. P. Minakshisundaram Pillai Avargal, Inam Deputy Collector of Jeypore.

20. „ C. Bhaktavasaludu Naidu Garu, Special Deputy Collector, Vizianagram-Rasipur Railway.

21. B. Edington, Esq., Agent to Messrs. Stuart, Hall & Co., Vizagapatam—opinions not received.

22. H. C. Williamson, Esq., Agent, Bank of Madras, Bimlipatam.

23. R. Manfield, Esq., Messrs. Ripley & Co., Bimlipatam—opinions not received.

24. M.R.Ry. P. T. Srinivasa Aiyangar Avargal, M.A., L.T., Principal, A.V.N. College, Vizagapatam.

25 to 28. Four Divisional officers in the plains.

29 and 30. Tahsildars of Palkonda and Sarvasidhi.

ENCLOSURE No. (1).

Letter—from M.R.Ry. Diwan Bahadur V. ANANTA ROW PANTULU Garu, Audit Officer, Vizianagram Estate.
To—the Collector of Vizagapatam.
Dated—Vizianagram, the 25th December 1907.

In acknowledging the receipt of your letter No. B and G. 1382 of 1907 of the 6th instant covering G.O., No. 886 of the 22nd ultimo, I have the honour to represent that no amount of expansion of the Legislative Councils or the inauguration of additional Advisory Councils will, in my humble opinion, enable the benign Government to further their great desire to really know and redress as far as possible the wants and wishes and grievances of the people as a whole, unless a larger number of the real representative and leading members of the different communities are consulted. The franchise of election, even with its expanded sphere, does not afford sufficient scope to the Government to avail themselves fully of the services of many of the practically useful men, who from their experience of the past, and knowledge of the present, times can effectually lay before the Government the requirements of the people in a congenial, dutiful and constitutional manner so as to prompt them to view each case with a more sympathising and kindly spirit. The growth of education all over the country has, as a matter of course, brought forth a number of educationists whose highest aspirations run most in the direction of helping the rulers with their services by way of advice and co-operation in the Government of the country. Their education and refined ideas have also been best and most usefully directed towards the improvement and amelioration that the many crying and pressing needs and reforms of the Indian domestic and social life so much demand.* The masses of the Empire are perfectly content as they are and are indifferent as to who make or assist to make laws, so far and so long as they are not unduly and unjustly harassed and troubled.† However stringent or strict the law may be, it does not cause so much distress or dissatisfaction if it were only carried out in the spirit in which it was enacted. I venture to submit that it is the executive element that requires so much more improvement than the body for the formation of the laws. There would never have been so much bitter feeling against the imposition of the imperial or local taxes if they were but imposed as contemplated by law. In all villages as well as in towns and cities people's men are not wanting nor would it be a difficult matter for the representatives of the Government to know and acquaint themselves with such men by affording opportunities which prompt a free and true representation of the wishes and wants of the people in a disinterested manner. Such men will be the real representatives of the Indian population in its various sects, creeds and castes and they will also be helpful in the achievement of the results so much in view of the Government. A retrospect of the past when the imperial as well as local councils were filled by gentlemen so

* Their labours in this direction also have not passed the experimental stage yet.

† But in a large number of educated classes and of the next generation of the sons of India, a sense of their fitness for higher privileges and emoluments is briskly awakened.

selected by the popular and sympathising authorities of those times will show how great the harmony on all sides was that marked those times and what good works were done for the benefit of the people.

2. The code of Manusmruthi and other Hindu laws which so long governed the people of India define that the relations between the rulers and the ruled should be those which exist between a father and his progeny, and a doctor and his patients and that such relations should be always religiously cultivated and maintained in all measures calculated to improve existing conditions or remove grievances; and this golden rule can only be realised by the paternal Government adopting such sure and certain measures as will effectually bring about the treatment of the people by its so many high and varied representatives in the sense and spirit indicated. I think that this will cause much more substantial good to the people and peace to the rulers of my country than any expansion of law-making or formation of Advisory Councils.

3. With regard to the qualifications of a member for the Legislative Council among the zamindars and landowners, I would suggest the following for consideration :—

(1) That the candidate should have a thorough knowledge of his estate as well as of the district or districts in which it is situated.

(2) That he should have at least ten years' experience of its management directly by him.

(3) The amount of relief afforded by him to his people and tenants during unfavourable seasons of famine and failure of crops is to be taken into consideration for purposes of appointment or election as a member.

(4) The improvements made to his estate and to the condition of its people as well as his ryot population and how far he is directly in touch with them may also be taken into consideration.

(5) The attitude of the zamindars and landowners can be best judged at present by their expressed views and open actions with regard to the Tenancy Bill which is a great turning point on which hinge the fates and fortunes of so many thousands of the cultivating classes of the Presidency.

4. With regard to the qualifications of the other members, I would suggest for consideration the addition of the following, viz. :—

(1) that no candidate is eligible for membership whose age is below 45 years (the experience which age alone can secure cannot be expected in men of less mature years);

(2) that the candidate should have at least nine years of approved service as an elected or appointed member of any of the bodies of local Self-Government (raw men can hardly be able to advise usefully or practically);

(3) that these members render their services for the sake of the service itself and that the offices should have no titular or monetary attractions.

That in case of members either from zamindars or others a sufficient knowledge of English and of the vernaculars of the districts on behalf of which they appear should be regarded as essential.

ENCLOSURE No. (2).

Letter—from M.R.Ry. K. RAMANJA CHARIAR, M.A., B.L., Principal, Maharaja's College, Vizianagram.
Dated—the 31st December 1907.

With reference to your letter dated 6th November 1907, I have the honour to submit my views on the several questions raised in the memorandum about the establishment of Imperial and Provincial Advisory Councils and the expansion of the existing Legislative Councils.

I am thankful to the Government for the steps which they propose to take for "bringing all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and Legislative questions". I am grateful for the declaration of the generous policy the Government promise to pursue in future with regard to the aspirations of the educated people. The promise I refer to is contained in the concluding part of paragraph 2 of the letter which the Government of India have addressed to the Local Governments. "The classes which will be enabled, under the present scheme to take a more effective part in shaping the action of Government, may reasonably look forward, as the necessary outcome of the measures now in contemplation, to a large share in the actual work of administration and more extensive employment in the higher offices of the State. The Government of India recognise the essential justice of the claim that is put forward, and they are convinced that it is possible, without neglecting the other interests and obligations involved, to move gradually forward towards the fulfilment, in no grudging spirit, of a pledge which the people of India are entitled to regard as inviolable."

The time has certainly come when the landholding, commercial and other classes "having a material stake in the country should be afforded opportunities of expressing their views on matters of practical administration." For this purpose the formation of Advisory Councils is a very desirable thing. In order to enable the people to influence the Legislative action of the Government to a greater extent than has been possible till now, the expansion of the existing Legislative

Councils is necessary. But in my humble opinion there are certain features of the measures now proposed which do not seem to be calculated to further the objects the Government have in view.

Constitution of Advisory Councils.

Imperial Advisory Council.—With a few exceptions, it is doubtful whether ruling chiefs are in a position to offer any useful advice to the Government regarding administrative matters pertaining to British India. It is also doubtful, whether ruling chiefs like the Maharaja of Baroda whose advice is likely to be useful will be willing to be members of the Imperial Advisory Council. If it is necessary that the protected States should be represented on the Imperial Advisory Council, it would be better to have them represented by the ministers of the ruling chiefs than the ruling chiefs themselves. In my humble opinion, an Advisory Council composed of zamindars and leaders among merchants, capitalists and professional classes would be a more useful body than the one now proposed.

Provincial Advisory Council.—I think it is desirable to have each district represented on the Advisory Council by one member, Madras being represented by more than one. An Advisory Council composed of representatives of all the districts in the province will be able to give useful information to the Government. A body so constituted will bring the Government and the people into as close relations as the present circumstances of the province permit. It is suggested that the strength of the Advisory Council may be twenty or twenty-five. Twenty-five is not too large a number. In appointing twenty-five men as members of the Advisory Council, the Government will have a wide field to select persons from for the representation of different interests.

Functions of Advisory Councils.—With the exception of questions affecting the Military Policy and the relations of the Government with Foreign Powers, all questions of imperial importance in which the Government are likely to take administrative or legislative action may first of all be referred to the Imperial Advisory Council. Similarly, matters of provincial importance may be referred to the Provincial Advisory Council. If a large majority of the members, say, two-thirds are against any matter referred to them, it may be dropped for the time being.

In a continent like India, I cannot believe that Advisory Councils cannot find work to meet once a year. At any rate, Provincial Advisory bodies may meet at least once a year. If they do not meet periodically, they will not be able to do any useful work and the general public will cease to take any interest in them. Another matter to which I attach great importance is that the deliberation of the Advisory Councils should be made public. The present proposal is to keep them confidential. As it is not easy to keep strictly confidential the deliberations of such a large body as the Imperial Advisory Council, garbled or distorted versions of these deliberations will appear in the newspapers. As the object of the Government in creating these advisory bodies is to promote a better understanding between the rulers and the ruled by "correcting mis-statements and removing erroneous impressions", I submit that the best way of promoting that understanding is to publish officially the reports of their proceedings without waiting until mischief-makers have done their work.

Legislative Councils.

Imperial Legislative Council.—As proposed by the Government, elected members form only one-third of the total number; I think it may be raised so as to give one representative to the nobles and the great landowners, at least in some of the larger provinces like Madras, as the Government would still have a large majority to support them.

Provincial Legislative Council.—I regret I am against the principle of representation of the people in the local Legislative Council on the basis of race, caste, creed or religion. There are few things relating to the well-being of the general community in which the interests of the different sections are likely to clash. The policy of non-interference observed by the Government in matters connected with the religious and social customs of the people deprives the principle of representation on the basis of caste or creed of any value which it might otherwise possess. Besides, the present proposals might, if carried out, tend to accentuate any differences that exist among the different sections of the community. If the Local Government wish to treat the Muhammadans of the province in the same exceptional manner in which the Government of India wish to treat the Muhammadans in India generally, they may allow the Mussalmans of this province to have a representative of their own in the Council. But if the principle of class representation were applied to the other sections of the community, I fear it would tend to the introduction of inferior men into the Council and exclusion of superior persons who might otherwise be useful to the Government as well as the country. If it is not possible to raise the number of elected members so as to give one representative to each district, I venture to think it will not be very difficult to make it nineteen so that twelve seats will be available for distribution among the twenty-four districts of this province.

If the number of non-official members in the Council is to be only seventeen, ten seats will be available for distribution among the twenty-four districts of the presidency.

Two or three districts may be allowed one member, the grouping of districts for purposes of representation being determined by a consideration of the numerical strength of the population or the amount of revenue which the Government get from them. A small difference with regard to the number of votes may be overlooked in deciding this question.

The Electorate.—As regards the qualifications of a voter, I think that an income of five thousand rupees a year is too high. An annual income of three thousand rupees may be accepted as a sufficient qualification. As the Government of India are pleased to include all registered Muhammadan graduates of five years' standing among the Muhammadan electorate, non-Muhammadan graduates of ten years' standing, or, if it would qualify too large a number, graduates of ten years' standing holding two degrees may be included among the electorate. It is submitted that to exclude all the Hindu graduates from the electorate, irrespective of their standing and attainments, would be casting a slur on their character, as most of them are, at any rate in this province, as loyal to the Government as their fellow graduates of Muhammadan persuasion are believed to be.

In the above paragraphs, I have returned to point out those features of the reform proposals which, I fear, are calculated to impair the beneficial character of the changes which, with the most benevolent intentions, the Government wish to introduce into the constitution of the country. As questions of this nature are taken up only at long intervals, I hope the Government will be pleased to give to the earnest representations of the people the consideration they deserve.

ENCLOSURE No. (3).

M.R.Ry. Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam.

The establishment of the Imperial and Provincial Advisory Councils is greatly beneficial to the people of this country and would place the Government in communication with responsible leaders of society on important administrative measures. The measures receiving the sanction of the Government with the concurrence and approval of the Advisory Boards will carry great weight and the system will have the double advantage of saving the Government from undeserved cavil and misinterpretation of their acts and measures and, secondly, of satisfying the people that their claims have been fully represented and considered by the Government before any important steps affecting their welfare is undertaken.

2. Within the last half century higher education has made good progress in the country and has tested the capacity of Indian youths in various departments with satisfactory results, but the great mass of people still remain uneducated. It has been the avowed object of the Government to admit the natives into a share of the administration of the country in proportion to their qualification and this policy has been steadily and firmly pursued so as to deserve the thanks of all right-thinking men. The spread of education has generated certain spontaneous forces in the community promoting men to higher aspirations and those legitimate claims have always been recognised by the Government and the present proposals are the outcome of the same generous and beneficent policy which has always been pursued by the Government. The educated community in India has been thoroughly loyal to the Government and the healthy and organic development of sound political principles as the result of western education has always been welcomed by the Government as a sign of increased fitness of the people for greater participation in the administration of the country. There have, of course, been certain morbid tendencies manifested in uneducated and half-educated quarters and such misrepresentation and misunderstanding of the measures and motives of the Government as has been has only proceeded from the ignorance of those irresponsible classes and is not worthy of the serious notice of the Government.

3. *The Imperial Advisory Council.*—Government of India propose to constitute the Imperial Advisory Council by nominating a body consisting of twenty ruling chiefs and forty territorial magnates selected from the various provinces. The elevation to the Imperial Advisory Council to assist the Government of India to share in the deliberations of the Empire is the highest privilege and it is only just that the Government should look forward for such advice to men who by their social position, administrative ability and intellectual equipments are thoroughly competent for the work. The native ruling chiefs and the "territorial magnates" have been selected as the persons most competent for this purpose and this selection, it is hoped, will amply justify the choice.

4. The idea of admitting the native chiefs into the participation of the guidance of the mighty concerns of the Empire is entirely novel and is one that is bound to strengthen the bonds of Imperial unity to an eminent degree. The establishment of the paramount power of the British Government in India has been accomplished by a process unique in history and the conditions of the said establishment have in a great measure left the relations of the Government with the native princes and the people of India in a singularly delicate position and the wisdom of the British statesman drawing its inspiration and its strength from the gracious personality of Her Majesty the late Queen Empress has raised the splendid edifice of the British Indian Empire. The native princes are no doubt a most potent factor in Indian society but the people of British India are until now beyond the sphere of their influence. The development of the British Indian polity has entirely been independent of them. The systems of administration obtaining in the Native States so far as municipal law is concerned are as much foreign as those of any foreign country and it is only by successive and gradual steps that those administrations have been reduced to something like uniformity with the enlightened polity prevailing in British India.

The Governments of the Native States are still of a very diversified character ranging from the lowest to the highest according to the character of the population in each State. An element of what may be termed the popular Government has already been introduced in some of the more advanced States, *e.g.*, the Legislative Council of Mysore and the Sri Mulam Popular Assembly of Travancore. The association of the native chiefs involving the most difficult problems besetting the British Indian administration will afford them an intellectual training in the practical work of the administrations will accelerate the process of assimilation above indicated and will largely conduce to the welfare and the happiness of the populations committed to their charge. This system will further have the beneficial effect of promoting good will and amity among the several Native States themselves fostering the spirit of combined action contrary to the seclusion to which they are now accustomed. It may be thought by some that owing to the diversity prevailing among the Native States regarding their methods of administration and the material advancement made by particular States, the advice of the native chiefs may not be a potent guide in matters of British Indian administration, but it is submitted that time will amply justify the choice.

5. *Territorial magnates.*—The Government of India's letter contains no indication of the qualification required for a member of the aristocracy to be raised to the rank and dignity of Imperial Councillors, but it is surmised that the Government expects to select members out of the class corresponding to the electorate proposed for the election of a member by the landholding class in paragraph 14 of the letter. The Government have there indicated that the qualification required for the franchise would be the payment of a land revenue to the Government of Rupees 10,000 annually, and this qualification may be taken as sufficiently designating the class of territorial magnates worthy of the privilege proposed to be conferred on them. Such a qualification is indeed necessary as the members of that class would have to associate themselves with ruling chiefs in the highest function of the State, viz., advising the Government in all its important concerns. It may, however, be submitted that the term land revenue may be extended to include cesses and miscellaneous revenue also so that the Government may have a wide field of choice though gentlemen of sufficient affluence and position alone would be nominated to the place.

6. *Representation for the people.*—It is desirable that the Government of India should have representation on the Advisory Board by men who by dint of their intellectual abilities and public usefulness have merited the confidence of the Government and of the people as well. The presence of such men who are able to gauge and interpret public opinion to the Government as being in close contact with it, will be a source of strength to the Government and any executive measure the Government may adopt will then be beyond the province of unfair comment. It is no doubt true that the landed community in every age and country have claimed the largest share in the administration of the country as possessing immense vested interests, but the conditions of Indian society require the adjustment of certain equities between the landed aristocracy and what may be termed the aristocracy of intellect. This latter element is a product of western civilisation and the liberalising principles of the British Government and it may not be expedient to leave this potent factor of Indian society altogether out of account. Even the aristocracy in England is thoroughly democratic in its nature. Large elevations are being made to the former ranks from the latter by conferring peerages on deserving commoners and the aristocracy sends down the cadets of its own families to enrich the ranks of the commonality. The advent of the British Government has entirely remodelled the phase of Indian society levelling down differences and leaving the intellectual and hereditary claims to fight the battle for distinction by the measure of their public usefulness. This state of things has long been woven into the fabric of Indian society and the aristocracy of intellect has even been given the precedence over the hereditary landed order, and it would therefore seem highly desirable that the Government should admit into their confidence not only men who have hereditary claims for recognition but also those who amply deserve it by virtue of their useful career. The experience of the native chiefs and the territorial magnates may be a useful guide so far as the Government is concerned, but the presence of men of aspiring talent and tried loyalty would be felt as a great desideratum by the people. This suggestion receives ample support from the recommendation of the Government of India to provide for the representation of the classes and the professions as well in the Provincial Advisory Councils and to effect a similarity in the constitution of the Imperial and Provincial Advisory Councils, the introduction of this factor would seem to be a necessary and desirable step. It is, of course, not intended to introduce a demogogic element into the Advisory Board so as to impede its action, but it is to be expected that the constitution and functions of the Advisory Council would afford sufficient check even if any such tendencies should ever be manifested. The Government has a large field to select from so as to make the administrative wheel run smoothly.

7. If the Government is pleased to accept the suggestion above named the next question to be considered will be *their number*. Since the Imperial Advisory Council is large enough consisting of about sixty persons, eight seats out of the number may be filled up out of the last class so as to give a representative to each of the seven provinces having a legislative council and one to the Central Provinces as well. Should the Government be pleased to consider that such large representation in the present state of the administration impracticable, four seats may be allotted to the four older presidencies, viz., Madras, Bombay, Bengal and United Provinces.

8. *Provincial Advisory Councils.*—These councils from the limited sphere of their action and their more immediate concern with provincial as distinct from imperial concerns would seem to require a more enlarged and more thorough representation of all classes and communities that are likely to be affected by the introduction of any administrative measures. An idea is entertained in certain quarters that the introduction of Advisory Councils to aid the Collector in the administration of the district is highly useful as the district is really the administrative unit in the Government so as to construct a hierarchy or Advisory Boards reaching up to the Imperial Council. The Government of India's letter contains no warrant for the adoption of such ideas, but it may be submitted that the association of persons with the Collectors in matters touching the district administration will lay the foundation for principles of sound local self-government and in this view the step may be considered desirable. If the Government should however deem such a system impracticable, the Provincial Advisory Board may be enlarged so as to provide adequately for the needs of all districts and classes. The representation of such needs on an adequate scale on the Provincial Council would seem to be required by this additional reason that the members of the Imperial Council would form the members of the Provincial Council and owing to this continuity of relation the Provincial Council is constituted the medium of information to the Imperial Advisory Council. The Government of India have not indicated the lines of any scheme for the constitution of these provincial bodies, beyond the suggestion that the smaller landholders of all classes and interests and professions should be represented. The Government of Madras have fixed the number at twenty or twenty-five: it is submitted that considering the importance of the provincial needs and multitude of important details to be managed, about half the number constituting the Imperial Council may be adopted. A council consisting of about thirty members will not be an unwieldy and unworkable body and exclusive of the Imperial Councillors who are to form the members, district representation as far as practicable may be aimed at making provision of course for the claims of special interests and classes. Industrial and commercial organisation being in its infancy in Indian society there do not seem to be a sufficient number of compact guilds calling for recognition and in the absence of such claims, territorial representation so as to secure the protection of all interests would seem to be the only course open.

9. (1) *Their functions.*—The Imperial and Provincial Advisory Councils are purely advisory in character possessing no initiative, and the advice of these bodies may profitably be sought for by the Government in carrying into effect any great administrative changes such as the separation of the Judicial from the Executive, and the redistribution of territory to suit administrative convenience.

(2) In introducing important legislative measures affecting the Indian community: This is necessary as the initiative in legislative action rests with the official members of the council. It may not be necessary to consult them when legislative sanction is required for measures of a purely administrative character.

(3) In the distribution of finance and the imposition of general taxes.

(4) And in fact in respect of all measures which are not strictly confidential in character. The principle of collective deliberation recommended by the Government of India in paragraph 6 of their letter with regard to the Provincial Councils may be adopted as the invariable rule as the system of isolated consultation is not calculated to be of much benefit, and the unaided judgment of a single individual can never have the weight and force of the collective opinion obtained after a free and unreserved discussion from varying standpoints. The proceedings of these councils though informal in character are yet to maintain a permanence and solidity of shape that it would be necessary to record the minutes in writing though the matter may be regarded as strictly confidential and the Government may not publish the same, unless for the furtherance of any particular object the Government should deem it fit to do so.

10. These Advisory Councils are not only in accordance with the best traditions of oriental polity but in some measure also mark the beginnings of constitutional Government in England. The "*Concilium principium*" is an old institution and has subsequently developed itself into various national institutions stoutly maintaining the prerogative on the one hand and jealously guarding the liberty of the subject on the other. These Advisory bodies though now without legislative sanction and are purely advisory in their nature are soon destined to become an integral part of the administration of the country, so that the machinery cannot move thereafter unless the integrity of their structure is maintained intact. The tendencies of modern civilisation will accelerate the ripening of such institutions and crowd into the brief space of a few generations the development of centuries in other times. The inauguration of these Advisory Councils may, therefore, be regarded as a distinct step in constitutional progress as truly remarked in paragraph 4 of the Government of India's letter.

11. *The Imperial Legislative Council.*—The enlargement of this Council to nearly double its former size ought to ensure a thoroughness of discussion on any measure proposed to be carried through, and to secure the admission of a larger body of persons hitherto outside the franchise. There are, however, a few details which the Government may be pleased to consider and modify.

(*a*) *The Madras Chamber of Commerce* has been left out of account when two elective seats are given to the Chambers of Bombay and Calcutta. Of these two latter Bombay has been newly admitted to the franchise and Madras would naturally hope to participate in the benefit of any enlargement scheme. The Madras Chamber has been enjoying the franchise in electing

a member to the local Legislative Council and the non-extension of the privilege to Madras would belittle her commercial importance, and Madras may seriously suffer by the favour shown to the sister Presidencies. It is therefore proposed that an elective seat should be allotted to the Madras Chamber of Commerce and the class of nominations under clause (*e*) may be diminished by one, if necessary.

(*b*) Election by the nobles, etc., under clause D (*c*). This new departure is effected in view of the policy admitting the landed class to a share in the administration proportionate to its influence and three alternatives are proposed by the Government for the representation of this class—

(i) Election by the voters direct.
(ii) Election by the members of the class in the Provincial Legislative Council.
(iii) Nomination by the Government.

The last is, of course, the most feasible plan, but the system of nomination is opposed to the spirit of the enlargement proposed to be effected and the desires of the Government. The second alternative is open to the objection that the electorate would consist of only two members according to the scheme proposed for the Provincial Council and this state of affairs is not viewed with favour by the Government of India themselves in another connection for they remark in paragraph 13 of their letter " this will remove the objections which have been taken to entrusting the privilege of election to so important a post as that of Member of the Viceroy's Council to an electorate consisting of only about *ten* persons."

The first of the alternatives mentioned above remains and the difficulty of forming a suitable electorate manifests itself at once. The Government of India aim at the formation of an electorate of about 100 to 150 persons in each province according to local conditions of persons paying a land revenue of Rs. 10,000 to the Government. It is apprehended that the number of landholders paying the requisite land revenue in this Presidency is much below a hundred and the class of persons is chiefly to be found among the holders of permanently-settled estates, the number of ryotwari pattadars paying such assessment being practically insignificant. It is therefore submitted that an electorate of sufficient strength can only be secured by the extension of the term land revenue so as to include cesses and miscellaneous revenue. It is hoped that the conscious exercise of the elective franchise will act and react on the electors and the elected in a way beneficial to both.

(*c*) *Muhammadan representation.*—It is submitted that the representation accorded to the Muhammadans is likely to give them a preponderance in the Viceregal Council disproportionate to their numbers and influence. The scheme reserves to Muhammadans two seats under clause D (*d*) and two seats under clause (E) and expects the possibility of Muhammadan members being returned from the Provinces of Eastern Bengal and Assam and the Punjab under clause D (*b*). The Muhammadan population of India according to the last census is about 62 millions and the Hindu population about 207 millions. Two seats reserved in the Council would seem to be ample provision with the probability above indicated, for the representation of the Muhammadan community considering their present influence and their past history. It is difficult and almost impracticable to form the Muhammadans of all India into an electorate for the return of two members only to the Council and, even if Muhammadans of requisite qualifications are to be found, the system of nomination may therefore be safely resorted to to secure them representation.

(*d*) Two seats may therefore be considered sufficient for the representation of small minorities or special interests and out of the two remaining under clause (E) one may be given to the Madras Chamber of Commerce as stated above and one more Ruling Chief may be nominated to fill the seat thus vacant. This would in fact seem necessary and desirable considering the large number of native chiefs proposed to be made Imperial Councillors.

12. *Provincial Legislative Councils.*—The scheme proposed by the Madras Government for the constitution of the local Legislative Council effects a thorough innovation in the existing system and, it may be submitted, is beset with certain practical difficulties.

13. The electorate is remodelled and the franchise redistributed in a manner calculated in the opinion of the Local Government to secure adequate representation of class and professional interests. It is humbly submitted that it does not appear to have been in the contemplation of the Government of India to disfranchise the District Boards and Municipalities and to confer the franchise on the several castes of Brahmans, non-Brahmans, Muhammadans, Barristers, etc. The Government of India have distinctly laid down in paragraph 21 of their letter that they do not propose " to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years," and it is suggested that in view of the drawbacks noticed by the Government of India in the constitution of these bodies " a solution might perhaps be arrived at by introducing special qualifications for members of Council while leaving the electoral franchise in other respects unchanged." The scheme proposed by the Madras Government, however, entirely leaves these bodies out of consideration and has proceeded solely on a denominational basis. In paragraph IV of the annexure the Madras Government, considering the advisability of deferring the consideration of the scheme for remodelling the District and Taluk Boards on the lines indicated there till after the present proposals are approved, expressed the intimation that the electorates formed for the Legislative Councils may be suitable for electing members to the District and Taluk Boards. The

Government have further recognised the necessity of lowering the property qualification and introducing the literate qualification as well into the electorate for the District Boards and it is not possible to see how the same electorate could serve both the purposes considering the disparity in the property qualification proposed for both. The Taluk Boards are filled up by nomination at present and the District Boards partly by election by the nominated members of the Taluk Boards and partly by direct nomination. The system has so far introduced men of sufficient status into these bodies and the conditions noted by the Government in their letter do not seem to hold good with regard to the Presidency.

14. It is submitted that territorial representation is not unsuited to India, but on the other hand, would seem to be the only feasible alternative left under the existing conditions. Representation by castes, classes and professions fails to fulfil its objects inasmuch as the several organizations necessarily lack in solidarity and coherence which would make for advancement. If the actual working of the present system of territorial representation resulted in the return of certain specified classes of persons such as lawyers and schoolmasters and failed to return the members of the landed class, contrary to the expectations of the Government, the fault must be set down not to the system itself but to the constitution of the Indian society at present. Education has chiefly been confined to the outer fringe of the middle class, the majority of the people and the landed aristocracy have remained beyond the pale of it, and it therefore became inevitable that members of the only two learned professions which have been followed to any appreciable extent should be returned. The members of the aristocracy have maintained aloofness and dignified seclusion from the concerns of the country and the leadership of the people naturally fell into the hands of the literate classes. The preponderance of the legal profession in the Councils of the Empire is no new phenomenon for even in the Imperial Parliament and the Cabinet Ministry the profession is largely represented. In fact the intimate connection between the actual practice of law as it is and the work of legislation which determines what law ought to be would make the presence of persons who have made law their life study indispensable in the work of legislation. The preponderance of the Brahman element must be set down to the work of the same influences, for the Brahman having no other avocations to pursue, with his hereditary claims to learning and with the power of assimilation and adaptation remarkable in that class, has thoroughly equipped himself to face the new situation and has easily distanced the other sections of the community in the race of progress. Under the equalising influences of western civilisation, the barriers of caste have been cut down and a sort of homogeneity is introduced into the society making combined action possible. The Brahman whose sacred law taught him to regard the touch of a Mussalman as pollution and his very breath as poison is rubbing friendly shoulders with the latter in the contest of life, and the ancient differences have almost been forgotten. There does not therefore seem to be such a diversified interest of class or community as would call for representation by denominations. Non-Brahmans and Muhammadans have been returned to the Councils as the trusted representatives of the people and they have discharged their functions in a manner worthy of the confidence reposed in them.

15. *Class legislation.*—It has been the avowed policy of the Indian legislature to interfere as little as possible with socialistic and religious legislation and pieces of such legislation as have been attempted have not proved beneficial in their results, *e.g.*, the Hindu Widow Remarriage Act, the Malabar Marriage Act, and the abortive Hindu Gains of Learning Bill. There will therefore be no legislative purpose served by having members in the Council chosen with reference to class organisation and religious belief. The current of Indian legislation has removed the few special privileges attaching to particular classes and even the privileges enjoyed by the European British subject as far as civil procedure is concerned are completely obliterated and in criminal procedure they have been largely trenched upon. The inviolable pledge referred to at the end of paragraph 2 of the Government of India's letter vouchsafes the equality of privileges to all British subjects irrespective of caste, creed or colour, merit alone being the best title to preferment.

16. *Practical difficulties.*—It is impossible to expect that Brahmans of the whole of Southern India consisting of Telugu, Tamil, Canarese and Malayalam speaking populations should co-operate together in the return of a single member to the Council and the same remark would apply to other communities diversified by language. It is no doubt true that the English tongue would enable them to meet on a common ground but the differences indicated above are essential. The scheme as proposed would give an undue preponderance to the Tamil-speaking race of all sections of society and will greatly handicap the others in their development. The elective seats are all sure to be filled up by Tamilians owing to their immediate connection with and influence in the Metropolis. The Government themselves realise the difficulty of forming suitable electorates and suggest the alternative of nomination for Brahmans, Muhammadans and Christians. The system of nomination strikes at the root of the elective principle and may therefore be left out of account. The Government have further felt the necessity of resorting to the territorial method with respect to class (*j*), viz., all other communities. This would make it abundantly clear that the territorial method alone is the safest and most feasible course considering the constitution of the society.

17. *Qualifications.*—The qualifications required of members of classes (*g*), (*h*), (*i*), (*j*), are very high indeed and following the principle of exclusion maintained with reference to the electorates, it is difficult to find whether there are any appreciable number of members of these classes not

being members of classes (*d*) and (*e*) who can come to the required standard. About a third of the Muhammadans in this presidency are in the single district of Malabar and the Christian community consists for the most part of Syrian Christians and recent converts. These bodies have been still pursuing occupations which do not bring in lucrative returns. The alternative qualification recommended by the Government of India with regard to the Muhammadans, viz., the extension of the franchise to graduates of five years' standing, may usefully be extended for the benefit of the other communities as well. In the case of literate qualifications, it would seem that the period may be raised giving the franchise to all double graduates and to single graduates of ten years' standing.

18. *The Landholding Class.*—The condition of this class has been described with reference to the observations on the Imperial Legislative Council and it only remains to be added that instead of leaving both the seats to be filled by election, one seat may be filled by nomination and one seat left to be filled by election by a body like the Madras Landholders' Association. The property qualification insisted in their case, viz., payment of Rs. 50,000 land revenue or cesses to the Local Boards on an estimated income of Rs. 20,000 yearly, is in fact double that required for entitling a member of the same class for voting to the Imperial Legislative Council. It may therefore be reduced in conformity with the qualification required for the higher Council and the proximity of the qualification proposed to that insisted or under the existing system is no bar to such reduction, in view of the observation of the Government in paragraph 13 of their letter.

19. *The Legal Profession.*—There does not seem to be any necessity for allotting separate representation to this class except to cut them off with a single seat in the Council under the exclusive system proposed. Even in this profession there are widely marked differences in tastes, and inclinations, the barristers and solicitors on the one hand and the vakils and certificated pleaders on the other hand forming distinct groups. It is impossible to secure unanimity between the two branches and to adjust conflicting equities between them in the matter of the choice of a single member.

20. *Territorial representation.*—Denominational system having been shown to be inexpedient and unworkable, the alternative course is territorial representation. The problem then arises as to the distribution of seats among several constituencies. The Government may reserve to itself the right of nomination to a few seats to compensate for the inequalities of election and to secure representation for minorities and special interests. The several districts will have to be formed into groups with reference to their proximity and historic connection and also to their population and commercial importance. Since the Government of India do not propose to withdraw the franchise from the District Boards and Municipalities but only aims at remodelling them, the following scheme may be suggested as answering the requirements of the country and fulfilling the object of the enlargement:—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the Madras Municipal Corporation	1
(*e*) Selected by the Madras Landholders' Association	1
(*f*) Nominated by His Excellency the Governor out of the class of the landholders	1
(*g*) Nominated by Northern Circars—Ganjám, Vizagapatam, Godávari and Kistna	2
(*h*) Ceded districts—Cuddapah, Kurnool, Bellary, Anantapur and Guntúr	2
(*i*) Central group consisting of Salem, North Arcot, South Arcot, Chingleput including Madras and Nellore	2
(*j*) Southern group—Tanjore, Trichinopoly, Tinnevelly and Madura ..	2
(*k*) Western group—Malabar, South Canara, Coimbatore and the Nilgiris	2
Total ..	17

The equal representation allotted to the groups under clauses (*g*), (*h*), (*i*), (*j*), and (*k*) under this scheme will nearly correspond to the requirements of the groups in question and the two seats in each group may be distributed among the District Boards and Municipalities in the said group as remodelled. It may further be insisted on that one at least of the two members allotted to a single group ought not to be a lawyer. This provision would operate as a check on the preponderance of the legal profession.

ANNEXURE B

TO

LETTER TO THE GOVERNMENT OF INDIA, No. 222, PUBLIC, DATED 13TH MARCH 1908.

MEMORANDUM.

I.—Imperial and Provincial Advisory Councils.

1. Assuming that the establishment of the Imperial and Provincial Advisory Councils of the kind described in paragraphs 4 to 7 of the letter from the Government of India is likely to be a valuable means of eliciting opinion on measures which the Government have in contemplation, as well as of diffusing correct information as to the acts, intentions and objects of Government, suggestions are invited as to the constitution of the Councils and as to the work which may be developed upon them.

2. The constitution and functions of the proposed Provincial Advisory Council are discussed in paragraph 6 of the letter from the Government of India. The Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25. Suggestions are invited as to its constitution.

II.—Imperial Legislative Council.

3. An expression of opinion is invited on the proposals of the Government of India in paragraphs 12 to 14 of their letter regarding the constitution of the Imperial Legislative Council.

III.—Provincial Legislative Council.

4. *Present constitution of the Council.*—Under the Indian Councils Act, 1892, section 1, sub-section (1), the number of Additional Members of Council nominated by the Governor of the Presidency of Fort St. George " shall (besides the Advocate-General of the Presidency or officer acting in that capacity) be such " as to the Governor " may seem from time to time expedient, but shall not be less than eight or more than twenty."

5. The Regulations made by the Governor-General in Council, with the approval of the Secretary of State, under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council shall be made by the Governor of Madras for his assistance in making Laws and Regulations and the Notification issued by the Government of Madras with reference to rule II of the said regulations are as follows :—

Regulations under section 1 (4) *of the Indian Councils Act*, 1892, *for Madras.*

I. Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated Additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more than nine shall be officials.

II. The nominations to seven seats shall be made by the Governor on the recommendation of the following bodies and associations respectively, namely,—

A.—The Corporation of Madras.

B.—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette* ;

C.—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid ;

D.—Such association or associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe as aforesaid ;

E.—The Senate of the University of Madras :

Provided that the bodies described above under *A*, *B*, *C*, *D* and *E* respectively, shall each (except as hereinafter provided in rule VII) have at least one person nominated upon its recommendation, and A, D and E not more than one each.

III. The Governor may, at his discretion, nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community; provided that one seat shall ordinarily be held by a zamindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

IV. When a vacancy occurs or at any time within three months of the date when a vacancy will occur in the ordinary course of events and is to be filled under rule II of these regulations, the Governor shall cause the proper body or group of bodies or association or associations to be requested to recommend a person for nomination by the Governor.

V. The recommendation shall be made—

(*a*) in the case of Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or article of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representative to be appointed, according to such scale as the Governor in Council may, from time to time, prescribe, by the Corporations, Boards, or Associations.

VI. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards

Explanation.—A person is not "resident" within the meaning of this rule unless he has a place of residence in the locality concerned and such practical connection with that locality as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this rule, the question shall be referred to and decided by the Local Government, whose decision shall be final.

VII. If within three months after receiving the request of the Governor as provided by rule IV the body or association or group or bodies or associations fails to make a recommendation the Governor may nominate at his discretion a person belonging to the class which the body or association or group is deemed to represent.

VIII. If the Governor shall decline to nominate any person who has been, under these regulations, recommended for nomination, a fresh request shall be issued as provided in rule IV and the procedure laid down in rules V and VII shall apply.

IX. (*a*) As soon as conveniently may be after these regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in rule II, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

Notification.

The Governor in Council is pleased, with reference to rule II of the rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards and of the following Association of Merchants:—

(i) The Municipal Councils situated in the districts of Ganjám, Vizagapatam, Gódávari, Guntúr, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(iii) The District Boards of Ganjám, Vizagapatam, Koraput, Gódavári, Guntúr, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(iv) The District Boards of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(v) The Chamber of Commerce, Madras.

6. In paragraphs 17 and 20 to 22 of the letter from the Government of India, suggestions are made regarding the enlargement and reorganization of Provincial Legislative Councils.

Remarks are invited on the ollowing scheme which has been suggested as suitable to the Madras Presidency:—

Scheme.

(a) It is suggested that, having regard to the fact that the number of official members must have a preponderance, the number of non-officials shall be 17, to be appointed on the following lines :—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of University	1
(*d*) Selected by barristers, advocates, vakils or certificated pleaders ..	1
(*e*) Selected by zamindars, proprietors of permanently-settled estates, janmis of Malabar, inamdars of wholly alienated villages and landowners [not being members of class (*d*)]	2
(*f*) Selected by citizens of Madras [not being member of classes (*d*) or (*e*)]	1
(*g*) Selected by Brahmans	1
(*h*) Selected by Muhammadans	1
(*i*) Selected by Christians	1
(*j*) Selected by all other persons	6
Total ..	17

(b) Those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of classes (*d*), (*e*) or (*f*), that is to say, no person who is qualified to vote or be a candidate for selection in class (*d*) should vote or be a candidate for selection in any of the classes other than (*b*), (*c*), (*d*), or similarly no person qualified to vote or be a candidate for selection in class (*e*) should vote or be a candidate for selection in any classes other than (*b*), (*c*) or (*e*) and so on.

(c) The following *general conditions* are suggested in the application of the scheme :—

(1) That no person shall have more than one vote.

(2) That no person will be qualified to vote unless he is a male and has completed twenty-one years of age.

(3) That no person shall be qualified to be a candidate for selection by a body, class or caste, unless he is qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate.

(4) That a nominated or selected member of the Legislative Council shall ordinarily hold office for five years from the date on which his appointment is notified in the *Fort St. George Gazette*, but His Excellency the Governor may declare that any member has vacated his seat—

(*a*) if he fails to attend any meeting of the Council for one year ;

(*b*) if he leaves the Presidency with intent to be absent from it for a period of six months.

(5) That if one member of a Hindu joint family has a vote under any class, no other member of the same joint family shall have a vote under class (*e*), (*g*) or (*j*) with respect to the same joint family property or any share of it.

(6) That no person shall be qualified to vote for the representative of his class or caste within a specified area unless he has a residence within that area at which he resides ordinarily more than six months in a year.

(7) That no person in the service of the Crown shall be eligible for selection.

(8) That a person shall be disqualified for selection if—

(*a*) he has been at any time sentenced by any Court to transportation or imprisonment for a non-bailable offence, such sentence not having been subsequently reversed or quashed ; or

(*b*) at the date of selection he is an uncertificated bankrupt or an undischarged insolvent.

(d) The following *special conditions* are also suggested :—

(i) In regard to the selection from the class (*d*) barristers, etc., that no person shall be registered under this class unless he pays income-tax on an income of not less than Rs. 5,000.

(ii) In regard to the selection from the zamindari class (*e*) above that no person shall be registered under this class unless he pays peshkash or land revenue to Government amounting to Rs. 20,000 or pays land-cess to local boards calculated on an annual rent value of Rs. 50,000; land revenue here including water-rate paid for the irrigation of the land. Further, that for this class one representative shall be selected for the Northern districts of the Presidency and another for the Southern district, the division being made so that the value of the vote may as nearly as possible be equal.

(iii) In regard to the selection class (*f*), citizens of the Madras, that no person shall be registered as a voter, unless—

(1) he resides ordinarily for more than six months in a year in the city of Madras, and

(2) he has paid during the preceding year—

income-tax on an income of not less than Rs. 5,000, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 5,000.

(iv) In regard to selection by classes (*g*), (*h*), (*i*), (*j*) above, viz., Muhammadans, Brahmans, etc., that no person shall be registered as a voter, unless—

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000, or

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land, on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000: for the purpose of this rule, the shares of the several pattadars in a joint patta being regarded as equal the joint property of a joint Hindu family being regarded as the property of the managing member of the family); or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

(v) As regards selection by all others under class (*j*) above, that the Presidency should be divided into local areas, the limits of which march with the boundaries of districts, so that all votes in that class may have the same value as near as may be.

(e) As an alternative in the case of the representation of classes (*g*), (*h*) and (*i*), it is suggested that if the selection of one Brahman, one Muhammadan and one Christian for the whole Presidency presents objections on account of the difficulty in arranging for voting over so wide an area, power may be taken for the nomination by the Governor of three more than is proposed under class (*a*), raising nominations by the Governor to 5 in all, of whom one must be a Brahman, one a Muhammadan and one a Christian.

(f) No provision has been made for literate classifications as a qualification for voting, the property qualification having been made a high one. It is a question whether literate qualifications should be insisted upon.

IV.—Election of Members of Local Boards.

7. It may prove that the electorate formed for selecting members of the Legislative Council would be suitable for electing members of District and Taluk Boards, but this question may, perhaps, better be considered after the above proposals have been discussed. The electorate thus formed may possibly be found suitable as the basis of an electorate for the election of members to District and Taluk Boards, though probably in determining the qualifications for the latter it would be necessary to lower the property qualifications. Also, in regard to both District and Taluk Boards, it may prove desirable to make provision for literate as well as property qualifications (*e.g.*, all B.As. having a vote, also all Honorary Magistrates). It may, moreover, prove necessary to vary the property qualifications in various districts and to make provision for the representation of certain classes in certain districts and for the representation of important minorities.

Letter from the Hon'ble Mr. M. Hammick, C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Madras, Public Department, to the Secretary to the Government of India, Home Department, No. 681, *dated Ootacamund, the* 22*nd August* 1908.

I am directed to refer to paragraphs 10 and 11 of Mr. Atkinson's letter No. 222, Public, dated 13th March 1908, on the subject of the proposed enlargement of the Provincial Legislative Council and the amendment of the Councils Acts and Regulations, and to paragraph 11 of Mr. Atkinson's letter No. 605, Public, dated the 28th July 1908, in which a sketch of revised proposals for the distribution of seats in the Provincial Legislative Council was submitted.

2. It was observed in the second letter referred to that these new proposals were subject to future modification. The matter has now been further considered by His Excellency the Governor in Council and I am directed to say that, in order to enable the Legislative Council to undertake more adequately the advisory functions which it is now suggested it should exercise, His Excellency in Council is of opinion that the numerical limit previously proposed is too low and that the elective principle should be more widely utilized in the formation of the Council in order that greater variety and independence of opinion may be obtained.

3. I am directed now to propose that the Provincial Legislative Council should consist of forty-two members of whom thirty-nine, including the Advocate-General would be additional members. It would be difficult to provide an official vote of more than nineteen additional members and it is proposed that of the thirty-nine, twenty should be non-officials, the Government retaining a majority of one on a division, exclusive of the Governor.

4. At present, there are only four elected members on the Council, the Presidency being divided into two constituencies, and the district boards of each constituency electing one member, and the municipalities another. It is now proposed that the Presidency should be divided into eight constituencies each containing roughly three districts. The member would be elected by the district, taluk and municipal boards in these districts, each board having one vote.

5. It is further proposed that the larger landholders of the Presidency should be represented by four elected members. The Presidency would be divided into four constituencies, which might perhaps coincide with its natural divisions—

(1) the East Coast division,
(2) the Deccan division,
(3) the Southern division, and
(4) the West Coast division.

It is proposed to include in the electorate, proprietors of estates, as defined in Madras Estates Land Act, 1908, and large ryotwari holders. His Excellency in Council considers that the qualification for the electorate should be an income of not less than Rs. 3,000 from land, calculated in the manner explained in paragraph 7 of Mr. Atkinson's letter, No. 428, Public, dated the 22nd May 1908. It has been ascertained that there are 1,187 persons so qualified in the Presidency.

6. With regard to the representation of Muhammadans, His Excellency in Council is of opinion that the difficulty in forming a satisfactory electorate is so great that he would much prefer that their representation in the Council should be secured by nomination. If, however, the system of election should be insisted on, then His

Excellency in Council would propose that the Presidency should be divided into two constituencies and that the qualification should be an income of Rs. 500 per annum from land, or the payment of income-tax on an income of not less than Rs. 2,000, or five years' standing as a graduate of the Madras University. The number of persons in the Presidency so qualified is 1,372 as stated in paragraph 9, sub-paragraph (iii) of Mr. Atkinson's letter No. 428, Public, dated the 22nd May 1908.

7. There would, if two Muhammadans are elected, be fourteen elected members on the Council out of twenty non-official members, eight to represent the districts and municipalities, four to represent the large landholders, and two the Muhammadan community. Six seats would be reserved for the selection by nomination of non-officials to represent particular interests. At present nominations are made under statutory regulation on the recommendation of (1) the Corporation of Madras, (2) such Association or Associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe and (3) the Senate of the University of Madras. It is proposed that the regulations should remain unaltered in respect of these three seats, and that selections for the other three seats should be mdae by His Excellency the Governor which would allow of one being ordinarily filled as at present by a representative of the planting community.

8. The proposals involve the amendment of sub-section (1) of section 1 of the Indian Councils Act, 1892, in which the maximum number of additional members is fixed at twenty, besides the Advocate-General, or officer acting in that capacity. It is necessary, so far as this Presidency is concerned and with reference to these proposals, that the figure thirty-eight should be substituted for twenty.

9. It would also be necessary to amend the Regulations made by the Governor-General in Council with the approval of the Secretary of State, under the provisions of section 1, sub-section (4) of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council are made by the Governor of Madras. I am directed to say that a draft of revised Regulations will be prepared by the Government of Madras, in consultation with their legal advisers, and submitted to the Government of India in due course if the proposals made in this letter are accepted.

Enclosure No. XVII.

No. 1768 of 1908.

General Department.

Bombay Castle, 26th March 1908.

From

R. E. ENTHOVEN, Esq., I. C. S.,

Acting Secretary to the Government of Bombay;

To

The SECRETARY to the GOVERNMENT of INDIA,

Home Department.

Sir,

I am directed to inform you that the Governor in Council, after careful consideration of the important questions raised in letter No. 2310—2317, dated August 24th, 1907, Home Department, cordially agrees with the General principles laid down by the Government of India. His Excellency in Council is convinced that the time has come to give to real representatives of native opinion increased opportunities for bringing their views to bear upon the administration. While, for the present at least, it is impossible without risk to impair the executive authority, the proposals of the Government of India point to measures which, if wisely applied and if carried out in the spirit in which they are conceived, should go far to redeem the promises which have been made to the people of India, and should remove the grounds of legitimate grievance.

2. These proposals of the Government of India have been given the widest possible publicity in this Presidency, both in official and non-official circles, and the opinions received from both sources have been carefully examined. A list of these opinions is attached together with a compilation embodying those of special value.

3. The proposals of the Government of India deal severally with three important subjects, namely—

(1) The creation of Advisory Councils to assist the Imperial and Provincial Governments.

(2) The enlargement of the present Legislative Councils of both Governments.

(3) The facilities for considering the budget in the existing Councils.

4. It is natural that the views received on these important questions should cover a large field, and should show a considerable divergence of opinion. The associations and individuals consulted have for the most part considered how their own interests can be furthered by the proposals of the Government of India or by such modifications therein as they have suggested in their replies; and since these interests are frequently conflicting, the result is a number of irreconcilable proposals. In one respect, however, a certain unanimity may be traced among bodies and individuals representing educated native opinion. The educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence. Those who differ from the opinions expressed by the majority of these classes restrict themselves for the most part to claiming special representation for the community to which they belong without considering the broad principles involved. It is significant in this connection that the Bombay Corporation, which is representative of several classes with conflicting interests, has limited its reply to a suggestion for the increase of the Bombay City representation on the Legislative Council.

5. The Bombay Presidency Association, in a lengthy discussion of the proposals, severely criticizes the inclusion of Ruling Chiefs and territorial magnates in the Advisory Councils. In the opinion of this Association 'the

social evolution of the country can only be mischievously retarded by such attempts,' and the Association claims for such Councils an authority and a constitution radically at variance with the ideas underlying the proposals of the Government of India.

6. The opinions of the Chiefs are neither unanimous, nor devoid of ambiguity. Among some of them, especially in the Deccan, a feeling exists in favour of the election of representatives ; others suggest a separate Chiefs' Council ; and in some quarters there is a disposition to claim for the Advisory Councils a controlling voice in the Government of the country. Whether these views are local or are shared by Ruling Chiefs in other parts of India, can only be ascertained by the Government of India when all the replies have been received.

7. The opinion of the Revenue Commissioners is strongly opposed to the creation of advisory bodies. The Commissioner in Sind, on the other hand, and certain officials and non-officials are in favour of the principle of such Councils.

8. Dealing first with the question of Advisory Councils, the Governor in Council considers that there are grave objections to the combination of Ruling Chiefs and of territorial magnates of British India in one body. From the point of view of the former, such an association must necessarily appear to involve a lowering of status, even though the wealth and influence of some territorial magnates may be markedly greater than in the case of many Chiefs. In the opinion of the Governor in Council, however, the greatest objection to this proposal is the incompatibility of functions of the two classes. The Ruling Chiefs and the territorial magnates stand in absolutely different relations to Government. The one class can have no claim to advise in matters affecting the administration in British India. The other ought not to interfere, even in appearance, in the affairs of Native States. In these circumstances it is not easy to see what class of questions could be referred to a joint Council without serious disadvantage.

9. From the Imperial point of view, however, the Governor in Council considers that an Advisory Council composed of Ruling Chiefs only might be valuable. There are many questions of a general character, such as those relating to defence, Imperial Service Troops, and Chiefs' Colleges, on which the opinions of an Imperial Council would be useful. It could also be employed as a medium for communications which the Government of India might wish to convey to the Native Chiefs. A seat on this Council would doubtless be regarded as a high honour, and the association of Chiefs with Government in a recognized advisory capacity would be a practical application of the lines of policy which have been indicated by the Secretary State. In the opinion of this Government, the Council should be formed, in the first instance at least, by nomination, conferring a special title during the period of service. There should be no legal recognition of the Council, and the proceedings might be either formal and public, or informal and confidential as required. It would be open to the Government of India to consult the Imperial Councillors either collectively or individually.

10. Whether, in addition to an Imperial Council, an advisory body composed of territorial magnates in British India is required to give opinions upon domestic matters, appears to be a question for the Government of India alone. If, however, any considerable measure of decentralization in regard to such matters is adopted by the Secretary of State, this Government would be inclined to doubt the need of a second Advisory Council, the constitution of which, as it must be representative of India as a whole, might present considerable difficulties.

11. It cannot be said that the proposal to create Provincial Advisory Councils has been received with any enthusiasm. On the one hand there are naturally doubts as to the functions which such bodies would discharge, and the use which would be made of them. On the other hand, in some quarters, there is a desire to invest them with powers which cannot at the present time be conceded. After careful consideration of this question, the Governor in Council has come to the conclusion that the experiment should be made, and that an Advisory Council in this Presidency might

be turned to good account. He is, however, convinced that the practical success of such a body must depend upon the qualifications of its personnel. It is essential that every member should be a person of weight and influence, whose opinion will be recognized as entitled to respect, and who will be as far as possible a representative of some important class or interest in the Presidency. These conditions impose a limit upon the number of members, which, in the view of this Government, should not exceed twenty. Whether or not election may ultimately prove desirable, the principle of nomination by the Governor in Council should be accepted in the first instance. It would be unwise to lay down hard and fast rules regulating the constitution of the Council. The object should be, as has been indicated, to select members as broadly representative as possible, and the primary aim must be to choose persons who are capable of tendering the best advice. A due proportion of Mahomedans would thus be secured, and the claims of other large communities can be considered. The nominations should be for a period of, say, three years and should confer the title of "Honourable" for that period, which might be made permanent in special cases. As in the case of the Imperial Councils (paragraph 9) the Provincial body should not be constituted by legal enactment, and the Government would be free to ask the advice of members collectively or individually. The Council should elect its own President, who would preside in the absence of His Excellency the Governor, and Government officials should be empowered to make statements or explanations at its sittings if necessary.

12. The Governor in Council concurs with the Commissioner that a separate Advisory Council consisting of not more than five members should be provided for Sind. Conditions in this province differ entirely from those in other parts of the Presidency, and advisory functions in Sind can best be discharged by a body possessing local importance and influence.

13. The question of creating a separate electorate for Mahomedans or other large communities, which is raised in paragraphs 16 to 19 of the letter of the Government of India, has been fully considered by the Governor in Council. The Mahomedans are widely scattered over the Presidency, and are at present unorganised for the purposes of common action. It is, therefore, impossible to suggest any satisfactory scheme for the creation of a special electorate. In process of time, the Mahomedans and other communities may become politically consolidated, and it might then be possible to secure representatives nominated by central associations. In present circumstances, the Governor in Council is strongly of opinion that the proportionate representation of Mahomedans both on the Advisory and on the Legislative Council can be attained only by careful nomination. The claims of other communities cannot be overlooked, and could be met in some measure from time to time if re-nominations are restricted.

14. Turning to the very important question of the increase of the Legislative Council, I am to point out that, under the existing Law, this Council may consist of 24 members, which is the present number as shown in the following table:—

Bombay Legislative Council as now existing.

His Excellency and Members			3
Advocate General			1
Nominated by Government—			
Official			6
Non-Official			6
Nominated on the recommendation of—			
Bombay Corporation	1		
Bombay Chamber of Commerce	1		
Municipalities in N. D.	1		
District Local Boards in C. D.	1		
Do. in S. D.	1		
Bombay University	1		
Sardars of the Deccan	1		
Zamindars of Sind	1		
		—	8
Total...			24

15. A smaller and a larger scheme have been under the consideration of this Government, and the former is shown below :—

Smaller Scheme (A).

His Excellency and Members	3
Advocate General	1
Nominated by Government—	
Official	9
Non-Official (from special communities)	15
Nominated on the recommendation of—	
Bombay Corporation	1
Bombay Chamber of Commerce	1
Karáchi Chamber of Commerce	1
Mill-owners' Associations of Bombay and Ahmedabad alternately	1
Municipalities in Sind	1
Do. in N. D.	1
Do. in C. D.	1
Do. in S. D.	1
District Local Boards in Sind	1
Do. in N. D....	1
Do. in C. D....	1
Do. in S. D....	1
Bombay University	1
Sardars of Gujarát	1
Sardars of the Deccan	1
Zamindars of Sind	1
Native Marchants' Association	1
	45

16. The additions embodied in scheme A are proposed on the following grounds :—

The Karáchi Chamber of Commerce exercised the right of nomination up to the year 1892. It was then withdrawn. The Port of Karáchi has since advanced in importance at such a rapid rate that the Chamber is fairly entitled to representation on the ground of the great extent of the commercial interests that it represents. His Excellency the Governor in Council is further of opinion that the mill industry of this Presidency should now receive a seat in the Council. Of the 149 mills in the Presidency no less than 81 are in Bombay Island and 41 at Ahmedabad. The industry may, therefore, be fittingly recognized by the allocation of one seat to be given alternately to the Mill-owners' Associations of these two places. The landed interest in the Presidency has so far been represented by the nominees of the Sind Zamindars and the Deccan Sardars. This Government is of opinion that the representation of such an important interest may be fittingly increased by one seat in an enlarged Council. The land-holders of Gujarát have hitherto remained unrepresented, and would form a suitable body to supply a third member for the landed interest, if a body to be known as the Sardars of Gujarát were created for this purpose from the Talukdars, Inamdars and other great land-holders of that province. To the representatives of Municipalities and Local Boards should now be added those of divisions at present without representation in Council, *i. e.*, Sind in both cases, and the Northern Division for Local Boards, as well as the Central and Southern Divisions for Municipalities. The Council may be completed by the creation of one seat to represent such Native Merchants' Associations as may be selected on each occasion by order of Government, as it is clear that the Chamber of Commerce in Bombay cannot be said to represent native opinion at all. There are about ten members who are not Europeans, and none of these are on the Committee. The native traders and business associations must increase with the commercial development of the country. It is desirable that, as has been suggested (*vide* letter from Indian Merchants' Chamber and Bureau, dated 10th December 1907), a seat should be reserved for the nominee of at least one such association.

17. Under the provisions of this scheme, twenty-four seats are reserved for nomination, and, omitting officials, there would be fifteen seats of which six could be given to Mohamedan and other special communities, while leaving the Government majority reasonably secure. It may be pointed out that in the Council as at present constituted only six officials have been appointed out of a legal maximum of nine.

18. Under this scheme the educated classes, as the term is usually understood, would be more numerously represented than at present. The Municipalities and District Local Boards would return, instead of three, the existing number, eight members, all of whom would probably belong to these classes and would form more than one-sixth instead of only one-eighth of the Council as at present. The Governor in Council considers that every candidate for one of these eight seats should himself be at the time a member of one of the Local Boards or Municipalities which he is to represent. The scheme fully maintains the representation in the Council of the educated classes and disturbs existing conditions as little as possible; and it is anticipated that the chance of being elected to the Legislative Council will attract to the Local Boards and Municipalities men of ability and good standing, and that for the Legislative Council the services will be secured of men of local knowledge, experience and weight.

19. The larger scheme under which it is proposed that 20 seats should be allotted to districts, certain backward districts being grouped in pairs so as to reduce the number of members thus elected from 24 to 20, is shown below :—

Larger Scheme (B).

His Excellency and Members	3
Advocate General	1
Nominated by Government—	
Official	9
Non-official	15
Nominated on the recommendation of—	
Bombay Corporation	1
Bombay Chamber of Commerce	1
Karáchi Chamber of Commerce	1
Mill-owners' Associations, Bombay and Ahmedabad alternately	1
Districts	20
Bombay University	1
Sardárs of Gujarát	1
Sardárs of the Deccan	1
Zamindárs of Sind	1
Native Merchants' Association	1
Total ...	57

20. It is claimed for this scheme that representation by districts would impose greater responsibility upon members in regard to local interests and would bring the representation nearer to the people. Under such a scheme it is possible that political influence would not be as concentrated as at present, and that local interests, now neglected, might gradually be consolidated. The general experience of very large electoral areas is not satisfactory, and the existing arrangenments under which bodies widely scattered over an entire division form the electoral bodies is open to criticism. Conditions as to a minimum period of annual residence and of property in the district would be imposed on candidates for election. Under Scheme B it may be pointed out that the Government majority would not be assured. It may however be claimed that, in a Council so constituted, there would be greater discrepancies of views than at present, that opinion would frequently be tested in advance by the means of the Advisory Council, and that a Provincial Government could very rarely find it necessary or desirable to force legislative measures against the unanimous vote of all the Indian Members of a Council such as is proposed.

21. After full consideration, a majority of the Executive Council prefers the smaller Scheme A ; but I am to point out that the adoption of this scheme by which the Council would be increased from 24 to 45 members may entail a revision of the Rules of debate.

22. It has been suggested by the Government of India that the franchise for District Local Boards and Municipalities is too low, in view of the fact that these bodies have the right of electing members who may be sent to the Legislative Council. The existing provisions of the law regarding the qualifications required in this Presidency are contained in section 10 of the Bombay Local Boards Act, I of 1884, and section 12 of the Bombay District Municipal Act, III of 1901. His Excellency the Governor in Council is strongly of opinion that a raising of the present franchise would be impolitic and undesirable. For the present, he considers that the *status quo* should be maintained ; but he is inclined to believe that a lowering of the franchise may become advisable, and that the effect would be to give a share of political influence to classes which stand in closer relations to the real interests of the people than the present electors. As in the case of Provincial Councils, the creation of special electorates seems impracticable, and the representation of Mahomedans on Local Boards or Municipalities must be secured by nomination.

23. With reference to paragraph 23 of the Government of India letter, I am directed to state that His Excellency the Governor in Council is cordially in sympathy with the desire of the Government of India to render the Budget debates less discursive and unfruitful. In present cirumstances, the existing financial system which requires the sanction of the Government of India to the budget drawn up by this Government is an obstacle to the free discussion of financial measures at the time of framing the budget. This Government have recently submitted proposals for securing to them a greater liberty in the expenditure of funds allotted to them and definite arrangements cannot be made until a decision on these proposals has been obtained.

24. Meanwhile, the Governor in Council considers that the only method of obtaining a useful discussion of the Budget is to allow the members of the Legislative Council some part in the settlement of it. The constant complaint of members has been that the Budget comes to them after final sanction when discussion cannot, or at least will not, affect its items. The Governor in Council, therefore, has carefully considered how members of the Provincial Legislative Councils can be enabled to discuss the Budget before sanction. The only thoroughly satisfactory arrangement, in his opinion, is to allow Provincial Governments to settle their own Budgets and to dispense with the review and sanction by the Supreme Government, in fact to give the Local Government such independence in their financial arrangements as is allowed without question and with complete success to such bodies as the Municipal Corporation of Bombay. Under such a system the Local Government would have until the end of the first week in March to settle its Budget. The first edition would be prepared by the Local Government in consultation with the Accountant General in the same way and at the same date as at present, namely, the end of January. The Governor in Council would then assemble one or more Committees of the Legislative Council, including among its members representatives of non-officials presided over by a member of the Executive Council with the necessary Secretaries and Heads of Departments in attendance. The Committees would discuss the various budget heads. Opportunity would be given to non-official members to criticise provision made and to suggest alterations and additions. These suggestions would be considered by the Government, and to those which were approved effect would be given in the second edition of the Budget, which would be ready in February. The final edition, which as above stated, would be ready in March would be forwarded to the Government of India for information and incorporation, if desired, in their Budget Proceedings. It would be published with a statement explaining the items of interest and the settlements arrived at in Committee. In most matters

these settlements will, it is hoped, be practically unanimous. Discussion on the purely financial aspect of the statement would therefore be limited to the few points in which differences had arisen in Committee, but such discussion as took place would be relevant and interesting.

25. The above procedure is suggested on the supposition that an effective measure of decentralization will be permitted in financial matters. It is, however, capable of adoptation to the existing system. If that system continues, this Government would forward to the Government of India on the 18th or 19th January the first edition of the Budget prepared as at present. Committees of the Legislative Council would be invited as above suggested to discuss the first edition, and the second edition, which would, as at present, be forwarded to the Government of India in February, would embody such alterations as the Local Government had made in the first edition on consideration of the recommendations made by the Committees. No further alteration in procedure would be made, and the Budget would not be published or discussed by the Provincial Legislative Council until it had been sanctioned by the Government of India. This procedure would be an improvement on the existing arrangements, inasmuch as it would enable the non-official members of the Council to assist in framing the Budget proposals of the Local Government. On the other hand, it would obviously be far less consonant with local opinion than a system under which the Provincial Government would be allowed to settle its Budget on the advice of the Committees effectively representative of the non-official element. The Governor in Council, therefore, unhesitatingly prefers the procedure recommended in paragraph 24 above.

26. If either of these two systems be adopted, there does not appear much advantage to be gained from discussing the finally sanctioned Budget head by head. It may be hoped that the range of discussion on the Financial statement will be narrowed to the few points on which the Committee have not reached unanimity. The Governor in Council, however, has no objection to urge against the method proposed by the Government of India of conducting the debate on the Financial statement. The occasion will doubtless be employed by unofficial members to ventilate criticisms on various branches of the administration and there may be some advantages in the separate discussion of each subject of criticism in connection with the specific Budget head of Revenue and Expenditure under which it would be appropriately classed, *e.g.*, the collection of Revenue in connection with No. I.—Land Revenue Receipts, the introduction of Free Education under 22.—Education, and so forth. In this way, something in the nature of a debate will be rendered possible.

27. Although the question is not raised in the letter of the Government of India under reply, I am to state that the Governor in Council has considered the advisability of establishing district Advisory Councils with the object of developing local interest in the administration of the unit area. Although anything of the nature of a formal Council may be premature, the Governor in Council considers that a Darbár might be formed in each district consisting of persons of standing and of representative type to be nominated by the Commissioner on the recommendation of the Collector. The members of such a district Darbár might receive some special privileges and be recognized as advisers whom the Collector would consult on any questions regarding which the Commissioner or Local Government would require their opinion. He would also consult them in regard to local questions at his discretion, and the Council or any of its members would be enabled to make representations to him if they so desired.

28. In conclusion I am to point out that the Governor in Council is deeply impressed with the importance of the measures of reform proposed by the Government of India. He is well aware that no measures which can safely be taken will satisfy the demands that have been put forward in some of the replies which the letter of the Government of India has elicited. There has been a marked tendency to allege that Government is not in earnest

in the measures which it has suggested. This tendency must be taken into account, and it can be corrected only by experience. In the opinion of the Governor in Council, therefore, the political effect of the steps now to be taken will depend mainly upon the manner in which the reforms are worked in actual practice. If the Advisory Councils secure the confidence of Government and of the people, and if they can be utilized in a broad and liberal spirit, it will in time be recognized that a real step has been taken in the direction of bringing native opinion to bear upon the Administration.

I have the honour to be,

Sir,

Your most obedient servant,

R. E. ENTHOVEN,

Acting Secretary to Government.

Accompaniments to letter No. 1768, dated the 26th March 1908,

General Department.

LIST OF OPINIONS RECEIVED.

PRINTED PAPERS.

	Page
Bombay Millowners' Association	1
Mr. B. S. Shroff, L.M. & S., Bombay	2
Mr. Chanamallappa Tenginkai, President, Lingáyat Public Meeting, Dhárwár ...	3
Maharaj Kumar Kristo Dass Law of Calcutta	4
Bombay Presidency National Mahomedan Association	8
Mr. Gulam Mahomed Munshi (Rájkot)	9
Honourable Mr. Vithaldas Damodher Thakersey	10
Chamber of Commerce, Bombay	13
Mr. Vaman Narayen Joglekar, Pleader of Bhusáwal	14
Mr. R. P. Lambert, District Superintendent of Police, East Khándesh ...	16
Certain inhabitants of Ahmednagar	20
Anjuman-i-Islam, Bombay	25
Certain Lingáyats of Hubli	26
Certain Lingáyats of Dhárwár	29
Mr. Kazi Kabirudin, Barrister-at-Law	31
Mr. Janardhan Virbhadra Pathakji, Jághírdár of Motavarachha, Surat ...	34
Gujarát Sabha, Ahmedabad	36
City Municipality of Ahmednagar	45
Honourable Mr. Gokuldas Kahandas Parekh, B.A., LL.B.	47
Indian Merchants' Chamber and Bureau	52
Bombay Presidency Trades Association	57
Mr. Bomanji Ardeshir Dalal, Panch Maháls	58
Mr. Ram Mohunroy Jaswantrai Desai, Inámdár of Vintoj, Hálol, Panch Maháls District	59
Joint Report of the Commissioners of Divisions	64
Note of Dissent by the Commissioner, N. D. (Mr. Atkins)	71
Note of Dissent by the Commissioner, C. D. (Mr. Doderet)	72
Note of Dissent by the Commissioner, S. D. (Mr. Barrow)	72
Chamber of Commerce, Karáchi	73
Jain Young Men's Association, Jaipur	74
Ráo Bahádur Motilal Chunilal, President, Broach City Municipality ...	74
Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karáchi	81
His Highness Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.	83
Commissioner in Sind	88
Bombay Presidency Association	91
Bombay Municipal Corporation	139
Honourable Mr. Ibrahim Rahimtoola, C.I.E.	140

PAPERS NOT PRINTED.

Northern Division.

Mr. J. Sladen, B.A., I. C. S., Collector of Ahmedabad.
Mr. Arthur Wood, I. C. S., Collector of Kaira.
Mr. R. C. Brown, I. C. S., Collector of Panch Maháls.
Mr. H. W. J. Bagnell, B.A., I. C.S., Collector of Broach.
Mr. A. R. Bonus, I. C .S., Collector of Surat.
Mr. J. L. Rieu, I. C. S., Collector of Thána.
District Local Board, Ahmedabad.
Ahmedabad City Municipality.
Broach City Municipality.
Broach District Association.
Bandra Municipality.
Khan Bahadur Rustomji Jehangirji Vakil, a Mill-owner of Ahmedabad.
Mr. Krishnarao B. Divatia, a landholder of Ahmedabad.
Rao Bahadur Trikamlal Dinanath, pensioned Diwan of Dharampur State, now resident of Ahmedabad.
Dr. Joseph Benjamin, member of the Ahmedabad City Municipality, Ahmedabad.
Mr. Narsilal Rewadas, retired Mamlatdar, Ahmedabad.
Shaikh Usman Abdullah Koreishi, retired Government servant and member of the Ahmedabad City Municipality, Ahmedabad.
Mr. Mulshankar Jetha, Zamindar of Dholka and retired "Nayab Subha" of the Baroda State.
Mr. Keshavlal Hiralal, retired Deputy Collector, and now President of the Ahmedabad City Municipality.
Khan Bahadur A. M. Dalal, member of the District Local Board, Broach, and City Municipality, Broach.
Mr. M. F. Alamshaw, Pleader, Broach.
Mr. Krishnalal K. Thakur, Government Pleader, Broach.
Rao Saheb Bhavrai R. Desai, a landholder of the Panch Maháls District.
Dr. D'Monte, member of the Bandra Municipality.
Mr. Chhabildas Lallubhai, a landholder of the Thána District, resident of Bombay.
Mr. Gulam Mustapha Amin Saheb Khatib, member of the Bhiwandi Municipality and Táluka Local Board in the Thána District.
Mr. Hari Laxuman Patel, District Pleader, Bassein, Thána District.
Local Board of Kaira.
Messrs. Purshotamdas Viharidas Desai and Giridhardas Mangaldas Desai of Nadiád, Kaira District.
Mr. Gopaldas Viharidas Desai of Nadiád, Kaira District.
Rao Saheb Maganlal Jeychand, Kapadwanj, Kaira District.
Mr. Pestonji Kharsedji Modi, Member of the District Local Board, Kaira.
Mr. Saidumia Faijumia, Kaira District.
Pathan Jafarkhan Jatabarkhan, Nadiad.
Mr. Lalshankar Umiashankar, a retired Small Cause Court Judge of Ahmedabad.
Mr. Dolatram Kirparam Pandia of Nadiád.
Mr. Gokaldas Dwarkadas Talati, B.A., LL.B., of Nadiád.
Kaira Municipality.
Rao Saheb Premchand Kasandas of Thásra.
Kapadwanj Municipality.
Mr. Ranchhodbhai Udayram of Mahudha.
Nadiad Municipality.

Central Division.

Collector of Sholápur *re* Advisory Council.
Messrs. Samat and Sathe (Sholápur).
Collector of Násik.
Yeola Municipality.
Taluka Local Board, Yeola.
Sinnar Municipality.
Mr. Khopkar, Huzur Deputy Collector, Násik.
Rao Bahadur G. N. Nadkarni of Násik.
Mamlatdar of Násik.
Mr. V. D. Puntambekar, District Deputy Collector, Nasik Division.
Mr. E. D. Talati, Násik.
Mámlatdár of Dindori.
Mámlatdár of Yeola.

CENTRAL DIVISION—*continued.*

Collector of Násik.
Pleaders of Pimpalgaon (Násik).
Mamlatdar of Chandor.
District Deputy Collector, Malegaon Division, with accompaniments.
Collector of West Khándesh.
Vice-President of the Dhulia Municipality.
Shankar Shrikrishna Dev of Dhulia.
Mr. Bhaungaonkar, retired Deputy Collector.
Mr. M. K. Apte, Pleader, Dhulia.
Collector of East Khándesh.
Assistant Collector, E. D., East Khándesh.
Assistant Collector, N. D., East Khándesh.
Councillors of Erandol Municipality.
Mr. Paranjpe, Pleader of Amalner.
Vice-President, Táluka Local Board, Amalner.
District Deputy Collector, S. D., East Khándesh.
Vice-President of the Jalgaon Municipality.
Mr. Lambert, District Superintendent of Police, East Khándesh.
Collector of Sátára.
Mr. R. R. Kale, Pleader and Member of the District Local Board.
Rao Bahadur V. N. Pathak of Sátára.
Mr. J. P. Orr, I. C. S., Collector of Ahmednagar.
Sardar Rao Bahadur Y. T. Mirikar, Special Magistrate, 1st Class, Ahmednagar.
Collector of Ahmednagar.
Reverend R. A. Hume, M.A., American Mission, Ahmednagar.
Mr. G. K. Chitale, Pleader, Ahmednagar.
Kazi Sayed Inaytullah Khan, Jagirdar of Nagardeola.
Vice-President, City Municipality, Ahmednagar.
Mr. Byramji Sorabji of Ahmednagar.
Mr. K. V. Patwardhan, Pleader, Nagar.
Vice-President of the Bhingar Municipality.
Collector of Poona.
Do.
Mr. Balwant Ramchandra, Inamdar of Poona (Vernacular).
Kazi Sayed Azamudin, Pirzade Inamdar of Poona (Vernacular).
Mr. A. Daniel of Poona (Honorary Magistrate).
Mr. Morgan Balkrishna of Poona.
Mámlatdár of Sirur.
Vice-President, Táluka Local Board, Khed.
Mr. Vinayek Moreshwar Natu of Poona.
Raje Shambhusing Jadhavrao, First Class Sardar, Málegaon.
Vice-President, Táluka Local Board, Haveli.
Khan Saheb Sheik Abdul Kadar, Poona.
Mr. Sorabji Jehangir, Poona.
Sardar K. C. Mehendale, Poona.
Sardar Abdul Firoze Khan, Poona.
Munshi Sayad Jainudeen, Poona.
Mámlatdár of Junnar.
Mamlatdar of Purandhar.
Mr. Govind Balwant Shastri.
Mr. P. D. Pudamji.
Mr. Ragunath Bajirao Potnis, Honorary Magistrate, Poona.
Mr. B. B. Onkar, First Class Magistrate, Poona City.
Mr. Coopooswamy Moodlyar, Poona.
Mr. Ebrahim Haroon Jaffer, Poona.
Meherban Raghunathrao *alias* Babasaheb Pant Sachiv, Magistrate, B. Bench, Poona.
Mr. Narayen C. Natu, Honorary Magistrate, Poona.
Mr. Shrihdar Rao Vithal Nathu, Poona.
Mr. B. R. Vaidya, Poona.
Mr. K. P. Gadgil.
Opinion (in Vernacular).
Mamlatdar of Bhimthadi.
Mr. Balkrishna V. Mudliar.
Mr. Martand Y. Gadre of Poona.
Collector of Násik.
Vice-President, Násik Municipality.
Statement from the Vice-President, Sinnar Municipality.
Do. Igatpuri Municipality.
Do. Yeola Municipality.

CENTRAL DIVISION—*continued*.

Vice-President of Málegaon Municipality.
Statement from the Vice-President, Trimbak Municipality.
Statement of the Vice-President, Táluka Local Board, Násik.

Do.	do.	do.	Dindori.
Do.	do.	do.	Chándor.
Do.	do.	do.	of Málegaon.
Do.	do.	do.	of Nándgoan.
Do.	do.	do.	of Bágláu.
Do.	do.	do.	of Peint.
Do.	do.	do.	of Násik

Collector of Poona.
Sardar R. K. Vinchurkar.
Sardar Anandrao Khanderao Raste.
Sardar Trimbakrao Purandhare.
Sardar Sadashivrao Madhavrao Purandhare.
Sardar Khanderao B. Dabhade.
Khan Saheb Dorabji Dadabhoy Bcottee.
Mr. Venkatrao M. Moodliar.
Mr. Kaluram Bhow Mansuram.
Mr. S. V. Ranade.
Mr. S. R. Meddakar.
Mr. Kaikobad A. Dastur Nosherwan.
Mr. B. M. Phadnis.
Mr. S. Sulleman Abdul Wahed.
Mr. B. K. Modnimbkar.

SOUTHERN DIVISION.

Mr. B. A. Brendon, I. C. S., Collector of Belgaum.
Meherban Lakhamgauda Basavprabhu, Bar.-at-Law, First Class Sardar, Sar Desai Wantmuri.
Mr. Achut Bhasker Desai, retired Deputy Collector, Belgaum.
Mr. Shripad Anant Chhatre, Pleader and Chairman, Managing Committee, District Local Board, Belgaum.
Mr. Artal, District Deputy Collector, Northern Division, Belgaum.
Mr. W. C. Shepherd, B.A., I. C. S., Collector of Bijápur.
Mr. V. B. Mardhekar, M.A., District Deputy Collector, N. D., Bijápur.
Mr. K. G. Ajrekar, Pleader of Bijápur.
Mr. P. A. Desai, B.A., LL.B., Pleader, Bijápur.
Mr. S. V. Kowjalji, Pleader, Bijápur.
Mr. Vishvanath V. Wagh, First Class Subordinate Judge of Bijápur.
Mr. C. Hudson, I. C. S., Collector of Dhárwár.
Mr. L. Graham, I. C. S., Assistant Collector, 1st Division, Dhárwár.
Mr. V. S. Kalolge, Mámlatdár, Hubli, Dhárwár.
Mr. V. N. Sathaye, District Deputy Collector III Divisions, Dhárwár.
Rev. Canon C. S. Revington of Betgiri-Gadag.
Mr. V. V. Kalyanpurkar, Sub-Judge, Gadag.
Mr. Ibrahimkhan I. Pathan, 1st Assistant Deputy Educational Inspector, Dhárwár.
Messrs. S. V. Mensinkai and B. Halbhavi, B.A., LL.B., Lingayats of Dhárwár.
Mr. G. Leathem, I. C. S., Assistant Collector, 2nd Division, Dhárwár.
Mr. Venkatesh Shrinivas Naik, Savkar and Vice-President, Táluka Local Board, Ránebennur, Dhárwár.
Mr. S. K. Rodda, Principal, Training College, Dhárwár.
Mr. Chanmallapa Tenginkai, Merchant and Proprietor of Factories, Dhárwár.
Mr. Krishnarao Mádhavrao Huilgol, retired Subordinate Judge at Gadag, Dhárwár.
Mr. L. C. Swifte, I. C. S., Collector of Kánara.
Mr. G. L. MacGregor, I. C. S., Forest Settlement Officer, Kánara.
Rao Bahadur V. D. Yennemadi, District Desputy Collector, Sirsi Division, Kánara.
Mr. G. L. Khoppikar, Mámlatdár of Kumta, Kánara.
Mr. Dattatraya Krishna Upponi, Government Pleader, Kanara.
Mr. P. N. Pandit of Sirsi.
Sirsi Municipality.
Mr. K. R. Elurkar of Sirsi.
Mr. A. F. Maconochie, I. C. S., Collector of Ratnágiri.
Mr. N. B. Divatia, B.A., C. S., Assistant Collector, Ratnágiri, N. D.
Mr. V. V. Bakre, B.A., District Deputy Collector, C. D., Ratnágiri.
Rao Bahadur Madhavrao Somji Moray of Málvan, Ratnágiri District.
Rao Saheb S. M. Namjoshi of Ratnágiri.
Mr. A. M. Damle, Pleader, District Court, Ratnágiri.
Mr. Vasudeo Narayen Gole, a landholder of Harnai, Táluka Dápoli, Ratnágiri District.

SOUTHERN DIVISION—*continued.*

Mr. Vishnu Hari Barve of Dápoli in the Ratnágiri District.
Ratnágiri Municipality.
Belgaum Municipality.
Mr. J. K. N. Kabraji, Collector of Kolába.
Mr. R. S. Broomfield, I. C. S., Assistant Collector, Kolába, N. D.
Mr. A. O. Koreishi, M. A., District Deputy Collector, Kolába, S. D.
Mr. S. G. Patankar, Huzur Deputy Collector, Kolába.
Mr. Dosabhoy Shapurji Baria, Member of the District Local Board, Kolaba.
Mr. Ramji L. Gharat of Awás in the Alibág Táluka, Member of the District Local Board.
Mr. Anandrao M. Oze, Inamdar of Palaspe, Panvel Táluka, Kolába District.
Mr. Narayen Ganesh Mandlik of Pen, Kolába District.
Mr. H. K. Kulhalli, Vice-President, Local Board and Municipality, Mahád, Kolába District.
Mr. Y. V. Randive, Vice-President, Local Board and Municipality, Panvel, Kolába District.

SIND.

Mr. H. C. Mules, M.V.O., I. C. S.
Collector of Karáchi.
Mr. Harchandrai Vishindas, B.A., LL.B.
Mr. J. Strip.
Mr. Framroze Panthakey.
Mr. E. Raymond, B.A., LL.B.
Mr. Nadirshaw Eduljee Dinshaw.
Mr. Tekchand Udavdas.
Mr. R. R. Bugtani, Bar.-at-Law.
Mr. G. A. Chagla.
Mr. A. F. Kindersley, Assistant Collector, Shahbandar.
Mr. J. W. Smyth, Assistant Collector, Tatta.
Mr. K. F. Mirza, Deputy Collector, Kotri.
Mr. F. G. Pratt, I. C. S., Collector of Hyderabad.
Mr. E. L. Sale, B.A., I. C. S., Collector of Sukkur.
Fateh Mahomed Khan valad K. B. Shah Pasand Khan, Zamindar, Sultankote.
Mr. Safudinkhan Abdulkarim Khan, Zamindar, Sultankote, Shikárpur.
Mr. Ambritrai Shewaram, Vice-President, Shikápur Municipality.
Messrs. Murlidhar and Hiranand, Pleaders, Municipal Councillors and Zamindars, and Seth Khubsing, Municipal Councillor.
Anjuman-i-Islam, Shikápur.
Mr. Awatsing, Municipal Councillor, Sukkur.
Mr. C. M. Baker, B.A., I. C. S., Collector of Lárkhána.
Mr. W. W. Smart, I. C. S., Deputy Commissioner, Upper Sind Frontier.
Karáchi Municipality.
Hyderabad Municipality.

Opinions of private gentlemen, bodies and others regarding the enlargement of Legislative Councils and connected questions.

Bombay Millowners' Association.

Dated the 7th October 1907.

From—J. B. Leslie Rogers, Esq.,
Secretary, Bombay Millowners' Association;

To—The Secretary to Government, Legal Department.

In view of the recent pronouncement of the Secretary of State for India regarding the expansion of the Provincial Legislative Councils, I am instructed by the Committee of the Bombay Millowners' Association to request you to be so good as to submit to His Excellency the Governor for his favourable consideration their representation for an extension to this Association of the privilege about to be conferred on other public bodies in the Presidency of returning one of the members as an accredited representative on the proposed enlarged Legislative Council of Bombay.

2. Having regard to the magnitude of the interests represented by the mill industry, and to the expressed intention of the Secretary of State for India of "making adequate provision for representing the mercantile and industrial classes," the Committee feel it incumbent on them to take this opportunity of respectfully placing the claims of the Millowners' Association before the Government of Bombay. It will not be out of place here to show how vast are the interests and influences of the mill industry in this Presidency. It represents a capital which the Committee estimate at nearly 13 crores of rupees and it pays annually in excise duty to the State the sum of Rs. 24,36,265. It employs 142,460 operatives on whom are dependent for their maintenance about 284,900 persons; and in the city alone it contributes by way of Municipal rates and taxes the large sum of Rs. 3,50,000 in round figures, or little over $\frac{1}{16}$th part of the amount of the total property tax collected. Moreover, besides the operatives there is a large class of investors and traders whose income chiefly depends on the profits of the local industry. Thus it would be no exaggeration to state that at least $\frac{1}{4}$th of the city's population is directly and indirectly dependent on it.

3. In these circumstances the Committee respectfully venture to think that the interests represented by the Association cannot but be considered of the greatest importance, and as Provincial Governments have been enjoined by the Secretary of State to provide for any important interest which is not specified in the general scheme, my Committee beg to call attention to the appeal now made by the Millowners' Association, and trust that His Excellency the Governor in Council will be good enough to accord the Association the same privilege as may be granted to other public bodies.

4. In conclusion, I am to add that the Millowners feel keenly the absence of any official recognition of the Association that represents their interests, though it has been in existence for fully 30 years, and has at various times been called upon to give its advice to the governing authorities. They therefore venture to hope that the reasons above urged in support of their request will commend themselves to Government, and that the right of electing a representative to a seat in the contemplated enlarged Legislative Council of the Presidency be conceded to this Association.

Mr. B. S. Shroff, L.M. & S.

Dated the 11th November 1907.

From—B. S. Shroff, Esq., L.M. & S., J.P.,

Medical Inspector of Seamen ; Medical Officer, British India Steam Navigation Company ; Honorary Medical Officer, the Royal Alfred Sailors' Home ; Joint Honorary Secretary, the Bombay Medical Union ; Honorary Director, the Bombay Buisson Bath Institute, etc. ;

To—The Secretary to Government, General Department.

I have the honour to request that you will be so good as to submit the following representation to His Excellency the Governor in Council at your early convenience.

2. In the draft proposals prepared by the Government of India, for instituting an Imperial Advisory Council of India and for enlarging and remodelling the Legislative Council of India and forwarded by that Government to Provincial Governments as a basis for instituting Provincial Advisory Councils and for enlarging and remodelling their respective Legislative Councils, the Pársis have noted that the claims of their community for a special franchise have not been recognised.

3. Although their number is infinitesimally small, being about 90,000 in the whole of India and Burmah and 78,552 in Bombay Presidency, their claims for a special institution of an electorate of their community is in no way inferior to the claims of the whole body of the Indian people, or of the inhabitants of the Bombay Presidency or of the non-official European community in India.

4. The present concessions are intended to be made on the ground principally of the progressive educational fitness in English of the Indian people. In the census report of 1901 of the Bombay Presidency it is stated that there were at the time of the census literate in English—

79,770 Hindus,
10,554 Mahomedans,
5,036 Jains, and
20,252 Pársis,

i. e., against a total of 95,360 educated Hindus and Mahomedans in the Bombay Presidency the Pársi literates in English numbered 20,252 or about 26·3 per cent. of the literates of the two great communities residing in the Bombay Presidency. The total number of Matriculates in the whole of India in 1905 was 8,211, of which there were about 180 Pársis, *i. e.*, 2·1 per cent. of the Matriculates in the whole of India.

5. According to the published programme the non-official Europeans are to be associated in the Government of India and are to be allowed to form special electorates whereby they will be able to send two members to the Imperial Legislative Council and several to the Provincial Legislative Councils, to enable them "to represent small land-holders, industry, commerce, capital and professional classes, and on the ground of their being able to promote a better understanding and to clear away on both sides injurious prejudices and misconceptions."

6. The claims of the Pársis are exactly alike those of the non-official Europeans. Like the latter, they wish for the British power enduring in India. They have taken a keen interest in helping, though in a very small measure, the establishment of the British power in India at the time of its early inception at Bombay and at Surat. In 1690 the Sidi of Janjira attacked Bombay and was about to capture it, when he was repulsed by a force led by a Pársi. In 1660 a Pársi helped English merchants in obtaining permit from Emperor Aurangzeb, enabling them to establish a business house at Surat. On 4th September 1759 a Pársi assisted in securing a "firman" and a "sirpav" from the then Mogul Emperor for the Honourable the East India Company, by virtue of which the Honourable Company entered into joint administration of the Fort of Surat and of the Naval forces of the Emperor of Delhi at Surat.

The "firman" and the "sirpav" were presented to the Company's officers on the 3rd May 1760 at the Castle Green at Surat when the Honourable Company's flag was hoisted up along with the flag of the Mogul Emperor. (Pársi Prakásh by Khán Bahádur Bomanji Byramji Patel, J. P.) This day was really the commencement of the British power in Surat.

7. In later years the Pársis have been in forefront in education, commerce, industry, professions and last though not least in charity in the interest of all classes of the Indian community. They have taken very prominent part in the making of the Bombay City and raising it from a fisherman's village to the exalted status of *Urbs Primâ in Indis*. They have an immense stake in the land as property-holders, business, commercial and professional men and as owners of mills, factories and mining industries. They have made their mark in the intellectual and social life, not only of the Bombay Presidency but of a all-India. The Pársi political thought has been moderate and sober in its tone and loyal and devoted to the British Crown. On account of their numerical minority they feel that, if they seek the suffrage of the Indian community, they are not likely to be returned as elected members of the Provincial and Imperial Legislative Councils. The Pársis therefore claim that if any other community is given the privilege of the special representation on the Legislative Councils of India, they have an equal, if not a prior, right to the privilege, which, I hope, will be favourably considered before final orders are issued by the Government of India.

Mr. Chanamallappa Tenginkai of Dhárwár.

Dated the 18th October 1907.

From—Chanamallappa Tenginkai, Esq.,
President, Lingáyat Public Meeting, Dhárwár;

To—The Secretary, Revenue Department, Government of Bombay.

I have the honour to forward, herewith, a copy of the proceedings of a public meeting of the Lingáyats of Dhárwár, and to request you to be so good as to communicate the same to His Excellency the Governor.

Proceedings of a public meeting of the Lingáyats of Dhárwár, specially convened for the purpose of offering thanks to the Government of India regarding their letter to the Local Governments, dated August 24th, 1907.

Mr. Chanamallappa Tenginkai, a most influential merchant, land-holder, proprietor of a Ginning and Pressing Factory, Municipal Councillor and District Local Board Member, was unanimously offered the Chair. After he accepted it, the following Resolution was proposed by Mr. V. B. Halbhavi, B A., LL.B., Clerk, District Court, and seconded by Mr. Gadigayya Vibhuti, Pleader, and unanimously carried :—

"That this public meeting of the Lingáyats of Dhárwár records its deep sense of gratitude for the spirit in which the Government of India have addressed the Local Governments regarding the representation of the land-holding, commercial, industrial and professional classes, forming the most powerful and stable elements of Indian Society, in the various Councils referred to in the said letter and in which they have suggested the Local Governments that they should introduce into their systems of election and nomination, for the District and Local Boards, the principle of assigning a fixed population which divided by race, caste or religion and permitting the members of that class its own representatives.

"The most sincere thanks of the Lingáyats of Dhárwár are hereby respectfully tendered to His Excellency the Viceroy and through him the Right Honourable Secretary of State for India for this wise and magnanimous policy, which marks an important stage in the political development of India."

(Signed) Chanamallappa Tenginkai,
President of the Meeting, Dhárwár.

Dhárwár, 16th October 1907.

Mahráj Kumár Kristo Dass Law of Calcutta.

The remarkable letter published for the information of the Local Governments and the public, inviting their opinions by the Government of India on the subject of the formation of Advisory and enlargement of Legislative Councils, has been receiving due attention everywhere in India. The fact, that it has been the outcome of a promise made by such an august person as His Excellency the Viceroy in the Legislative Council on the 27th March last, has led people to expect something valuable and substantial from the measures now proposed in the fulfilment of that promise. I give below a summary of the proposals made therein :—

Imperial Advisory Council.—The proposed Council should consist of about sixty members for the whole of India, to be appointed by the Viceroy for a term of five years. Of these about twenty should be ruling Chiefs, and a suitable number of territorial magnates of every province where land-holders of sufficient dignity and status are to be found. The Council should receive no legislative recognition and its function should be purely advisory. It should deal only with such matters as may be specially referred to it from time to time, and its proceedings should, as a rule, be private, informal and confidential, and would not be published, although Government would be at liberty to make any use of them that they thought proper.

Provincial Advisory Council.—The Provincial Councils would be of smaller size than the Imperial Council, but their membership should be large enough to embrace all interests of sufficient importance to claim representations on such a body. Of this body "the territorial magnates" (in other words big zamindars) of the Imperial Advisory Council should form a part.

Imperial Legislative Council.—This Council shall consist of 54 members :—

1	Viceroy.
7	Officials (*ex officio*).
20	Additional officials. } To be nominated by the Viceroy.
1	Ruling Chief. }
4	Non-officials to be nominated by the Viceroy, of whom 2 to be Mahomedans.
3	Experts to be nominated by the Viceroy.
2	Elected by Calcutta and Bombay Chambers of Commerce.
7	Elected by non-official members of the Provincial Councils of the different provinces.
2	Elected by the Mahomedans.
7	Elected by the nobles and land-holders of the different provinces.
Total 54	

Provincial Legislative Council.—In this matter the Government of India have given some general instructions as to how the members should be elected, and proposals from the Provincial Governments would be considered hereafter by the Viceroy.

In spite of the different schemes stated above, the Government take care to state in the most explicit terms that they do not contemplate any surrender or weakening of paramount British power in India, and that the executive authority of the Government is to be maintained in undiminished strength. It is a well-known fact that Government, according to the proceeding which they at present follow, make up their mind as regards any measures to be introduced either through the legislative procedure or by executive authority alone, without in the first instance consulting the views of the people, and carry them out notwithstanding the wishes of their subjects to the contrary. In the letter now before us, I find in the preliminary portion thereof (under the headings "The case for reform" and "The Imperial Advisory Council") that a good deal has been said which lead people to expect that a departure from their previous mode of administration is intended : I quote certain portions thereof :—

"No scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the

landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence. For the present at any rate the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf.

"The classes which will be enabled under the present scheme to take a more effective part in shaping the action of Government may reasonably look forward, as the necessary outcome of the measures now in contemplation, to a larger share in the actual work of administration, and more extensive employment in the higher offices of the State. The Government of India recognise the essential justice of the claim that is put forward, and they are convinced that it is possible without neglecting the other interests and obligations involved to move gradually forward towards the fulfilment, in no grudging spirit, of a pledge which the peoples of India are entitled to regard as inviolable.

"These [traditions of ancient Oriental policy] have always recognised that a sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what after such consultation he deemed to be the best mind of his people. The scheme would thus be no innovation in principle (as are some applications of Western methods to Eastern society) and if judiciously applied would by evoking the stable forces fundamentally so strong in India lend valuable aid to the orderly working of Government. For this purpose what appears to be needed is an Imperial Advisory Council."

But in the steps proposed to meet the aforesaid purpose, I do not see how the above constitutional requirements will be carried out. In the first place, the Imperial and Provincial Advisory Councils would, as stated before, be purely consultative bodies, without legislative recognition and without any power whatever, the proceedings of which should be private, informal and confidential, and the Government would be at liberty to make any use of them that they thought proper. Here, however, no assurance has been given that their advice would be followed. The members of the Advisory Councils being all appointed by Government without election will not be the representatives of the people, and would not hold any position whatever on account of their not being recognised as a formal body; and as it is likely that they would have to attend the meetings at their own expense from distant parts of the country without any assurance from Government that their advice would be acted upon and serve any useful purpose (which assurance I consider should be given) it is very probable that they would not attend the meetings at all, and, if they do, would they not regard their attendance in the same light as the teachers and others in the Province of Eastern Bengal and Assam regarded their function when they were made special constables by Government? There is no question that this appointment would be an act of oppression. Under the circumstances the measure of the Advisory Council proposed would after a short while prove infructuous.

As regards the Legislative Councils, taking into consideration their constitution, composed as they would be mostly of Government officials and Government nominees, popular views will not carry much weight therein, and any enlargement of their constitution would only serve to delay, more than at present, the carrying a measure through; hence no special advantage would be gained by the expansion of the Legislative Council.

Let me now consider the functions of the non-official members in the Legislative Councils. At present they are only employed in Committees in connection with Bills before the Councils. They have the rights of interpellation and of discussion, and of making remarks on any Government measure when the Budget is brought forward. Each one of them has a vote which for all practical purposes is useless. Their function therefore in the Legislative Council is of no real importance, and might be delegated to some other body.

I now place before the Government an outline of a proposal of my own, which may meet the requirements the Government have in view.

The Legislative Councils should be composed only of official members, as Government do not like to surrender or weaken their paramount power.

But the Advisory Councils should be composed of elected members, or of elected and nominated members in the proportion of $\frac{2}{3}$ and $\frac{1}{3}$, say sixty in all, to include every important section of the community without any preference. The functions of the Advisory Councils should be, not only to assist Governments by their advice after deliberation among themselves by the whole body of each Council, but also to furnish Committees of their own choosing, to discuss and deliberate upon Bills before the Councils, and the Governments should consult and follow as much as possible their respective Advisory Councils before they initiate and pass administrative or legislative measures. They should be permanent bodies, and each Council should have a Secretary of its own, and not merely Councils to be called together for a special purpose and to be dissolved immediately after they deliver their opinion on any particular subject. They should be left to make their own arrangements to keep the Councils in working order, by forming Standing Committees of their own, and should have a sufficient establishment and their own place of business with right to frame their own rules for conducting their own business. The members should be granted a privilege of some sort, and should have free Railway Passes or Tickets and some pecuniary allowance where necessary in order that they may not consider the work burdensome to themselves and be able to attend at any time they may be called upon to do so on sufficient notice. The conclusion arrived at by them after deliberation should be made public. They should have the power to send interpellations to Governments through their respective Secretaries (and this would be an advantage as it could be done at any time, and not merely when the Councils sit), as also to send the speeches relating to the Budget to the Legislative Councils. Besides giving their opinion in matters specially referred to them by the Government, I do not see why they should not send representations on subjects such as Plague, Railway, Bridges, Canals and so forth, or be allowed to receive petitions from the people. I may as well point out a paragraph in the late Queen's Proclamation of 1858 :—"*We hold ourselves bound to the natives of Our Indian territories by the same obligations of duty which bind Us to all Our other subjects; and those obligations, by the blessing of Almighty God, We shall faithfully and conscientiously fulfil.*" The proposals made by me do not constitute a material departure from the present principles of administration, nor are they inconsistent or hostile to the absolute power possessed by Government. Should the Government consider that what I have proposed is more than what they are prepared to give, I must say that His Excellency the Viceroy's promise of the 27th March last, as embodied in the proposals now before the public, are not such as would allay the present discontent, nor would they be accepted in the light of an instalment of the pledge given by Her late Majesty in the paragraph quoted above. I am afraid that unless Government, after the promise already alluded to, make concessions allowing the people to have a stronger voice in administrative matters, they would get worse discontented than they are at present.

It would not be out of place to give another well-known passage from the great Queen's Proclamation of 1858 :—"*and it is Our further will that so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to offices in Our service, the duties of which they may be qualified, by their education, ability and integrity, duly to discharge.*" I do not quote this and the other paragraph from the Queen's Proclamation in any carping spirit, but would point out the unwillingness with which those pledges have been complied with in little particulars, and again withdrawn, and the trifling with a document on which the loyalty of the people of all India rests with confidence, which has emanated from a great Queen and her Parliament, which ought to be taken in the light of a statute, and has been affirmed by Government here and the Secretary of State for India to be inviolable, the wisdom of which has never been questioned, but which nevertheless has always been treated as a document of no importance ; even under the present administration one race and creed is being given a preference over the others in East Bengal and Assam in contravention of the terms of the Proclamation. These are some of the circumstances which would naturally lead the people to misunderstand and mistrust

the motives and measures of Government. Where the heads of Governments trifle with pledges such as these, would it be at all likely that their subordinates would pay due respect to law in the administration of justice? Hence such acts always lead to discontent and misrule. Should the Government desire to know how criminal justice is administered in the muffasil, they have only to make a cursory enquiry in order to be convinced of the truth of this statement. The prestige of Government is based on the impartial administration of justice in this country, both as regards law and every other matter, and we have the example of the Calcutta High Court as to how the prestige has been and ought to be maintained. Rewards and punishments should be impartially and fearlessly apportioned according to the requirements of justice:—and herein lies the secret of bringing about harmony between the ruling and the ruled.

The Present Discontent.

It is now patent to everybody that the partition of Bengal has been a mistake, and that this has brought about a host of troubles, the like of which was never known before in this country. It is human to err. Even so late as this, if Government can make up their mind to adopt some one of the measures suggested by the people, it will go a great way to smooth their temper everywhere and not in Bengal alone. "*Bande Mataram*," which means I bow to my mother, is an innocent term, but since some classes of people are apt to get enraged at it, the boys, as is their nature all over the globe, use it for fun. The best course to adopt in such a case is to remain unruffled. This advice was all that was needed to check the freak. *Boycott*—this was ostensibly directed to do injury to the import merchants, but they have neither asked Government to interfere, nor have they suffered any material injury therefrom. The Government ought not under any circumstance, of their own initiative, to try to find out offenders of this nature in order to get them punished. The *Boycott* can only hurt the people, and they should be left to take care of themselves. When a formal complaint is made to a Magistrate or Police, that force has been used in a particular case, they might enquire and proceed according to law. "*Bande Mataram*" and "*Boycott*" were only introduced, when all known ways of constitutional agitation to stop the partition of Bengal failed, and they served the purpose of giving vent to feelings of disappointment and anger naturally arising under the circumstance. It was necessary to soothe such a feeling, and not irritate it by police oppression and by letting loose soldiers on the innocent. These, however, were done. Circulars have been issued, and the powers set free by such circulars, have been entrusted to men biased against the people, and have proved fruitful sources of discontent; nor are Magistrates acting under the same bias (some few excepted) free from blame: they have adjudged punishments which would suit hardened criminals better than men acting only under political excitement. For a single offence committed by the people, the subordinate officers of Government have committed ten in retaliation. Considering this discontent has not been from its nature revolutionary, all the coercive steps so far taken have necessarily proved abortive. For each innocent man arrested and punished, at least ten have been added to the ranks of the discontented, composing their friends and relatives; and this remark applies with equal force where heavy punishments have been adjudged for light offences, but the people nevertheless do not appear crestfallen. Judging from patent proofs, I must say I am convinced that discontent and anger are on the increase and have gone deeper. Like flood tide in deep water they do not now appear so much on the surface as before. The schoolboys (those straws which shew which way the current flows) are still loud though fretting and fuming under restraint, the newspapers punished for defamation are keeping up strong language as usual, and agitators seem to care nothing for jail life; all these, in spite of the strong measures already taken, shew that the current of discontent is if anything stronger than before, and unless His Excellency the Viceroy, acting on his own judgment, exercise his powers like another Lord Canning, I am afraid a crisis will at no distant date be brought about. The country is discontented, not from any steps taken by agitators, but because it has real grievances, and the more the people are being repressed and punished, the state of the country is growing worse. Even the soldiers about whom Government are so nervous must get

this contagion sooner or later from the way their friends and relatives are being handled and punished. So it would be better to be wary, and be on the safe side and soothe the people in time.

QUESTIONS TO BE ANSWERED MENTALLY.

One nation in times of misgovernment and distress willingly places itself in charge of a second nation at the expense of its own blood and treasure and proves to be loyal and law abiding.

As society advances does a good Government in the beginning turn out a bad one in many respects in an advanced stage?

Why are independent Eastern nations changing their constitutions?

Will the present form of trusteeship (as it is called by some) or Government last for ever?

If not, would friendliness in the second nation contribute to mutual advantage and make this form of Government more lasting or unfriendliness and enmity?

What would coercive measures lead to if applied to a loyal nation?

Would full and ungrudging concessions, satisfying requirements found to be necessary, answer the end of friendliness, or insignificant concessions hedged about by innumerable limitations and thus unwillingly made?

Calcutta,

The 20th September 1907.

Bombay Presidency National Mahomedan Association.

Sachin, 17th November 1907.

From—NAWAB ZADA NASRULLAH KHAN, President, and others

To—The Secretary to Government, General Department.

We, the President, Vice-President, Secretaries and members of the Bombay Presidency National Mahomedan Association, respectfully approach the Government of Bombay to offer our deep gratitude for the gracious act on the part of the Indian Government in introducing the elective principle for the Provincial and Legislative Councils for the subjects of the different nationalities under the sway of the King-Emperor.

In accordance with the Government notifications the undersigned venture to offer some suggestions for the favourable consideration of the Government.

We are of opinion that in addition to the members of the Municipalities and Local Boards the right of electing members to the Legislative Council of His Excellency the Governor of Bombay must also be conferred on Tálukdárs, Jághirdárs, Inámdárs, Inámi Zamindárs, Kázis and Khatibs who hold sanads appertaining to the offices of the Khazat and Khatabat.

In some zillahs and tálukas there are Kázis nominated by Jamáts the number of the members of which preponderate those who follow the sanadi Kázis and therefore we respectfully submit that they must be included amongst the voters.

Nothing could stimulate more strongly our humble efforts to carry on the loyal and patriotic work and cement the bonds of loyalty and regards between the rulers and the ruled than this proof that His Majesty's Government has been doing all they can to promote the welfare and afford such opportunities

to the Mahomedans to safeguard their national interests by representing the affairs of their own community by their own true and trusted leaders who are ever ready to serve both Government and their co-religionists.

We again tender our loyal and dutiful homage to Government and express an earnest hope that the suggestions mentioned above will receive due consideration at the hands of the Sarkar.

By granting the right of voting to the Tálukdárs, Jághirdárs, Inámdárs, Inámi Zamindárs, Kazis and Khatibs a large number of leading men will be included amongst the voters who are closely connected with the Government by the ties of hereditary loyalty and are the proper persons to lead the thought of their co-religionists.

Mr. Gulam Mahomed Munshi.

"Times of India", dated 27th November 1907.

THE NEW COUNCILS.

Mahomedan Opinion.

TO THE EDITOR OF THE "TIMES OF INDIA."

Sir,—The memorable Letter of the Government of India announcing the expansion of the Imperial and Provincial Legislative Councils has been published and circulated by the Provincial Governments with a view to invite public opinion on the important suggestions made therein. But the form of action taken by these Governments is not uniform. The Government of the United Provinces has published and circulated a draft of its own proposals for the expansion and reform of its Provincial Legislative Council and for forming a local Advisory Council, taking the Government of India's letter quoted above as its basis and guide; while the Government of Bombay has not framed or published any such proposals or scheme for the expression of opinion of persons living within its jurisdiction. Thus the inhabitants of the United Provinces have a distinct advantage, which is denied to those of this Presidency.

This omission on the part of the Bombay Government is likely to lead to a large variety of opinions, which may prove embarrassing or useless, when the Committee of the Commissioners of the three Divisions meets "to submit a joint report" on the proposals for the enlargement of the local Legislative Council and for the formation of a local Advisory Council. However, as far as the Musalman community of this Presidency is concerned, Mr. Alam Kuli Khan, Jághirdár of Ahmednagar, has submitted his proposals through your paper of the 7th instant.

It has been conceded by the Government of India, to whom the sincere thanks of the whole Musalman community of India are due, "that neither in the Provincial nor in the Imperial Legislative Councils has the Mahomedan community hitherto received a measure of representation commensurate with its numbers and its political and historical importance"; and they desire to lay stress upon His Excellency's observation that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this Continent * * *. But the total representation thus effected has not been commensurate with the 'weight' to which the Mahomedan community is entitled."

To meet these drawbacks it is proposed "to assign a certain number of seats to be filled exclusively by Mahomedans" and create special Mahomedan electorates. Mr. Alam Kuli Khan proposes reserving seven seats for the Muslim community of this Presidency excluding Sind. I think that his proposal is very moderate and I hope it will meet with the approval of Government. It is not too much if we expect that the Musalmans of each of the three

Divisions should have one seat, and that the Musalmans of Bombay should have two to represent their commercial, industrial, professional and other interests. Of the remaining two seats he allots one to Káthiáwár and the other to the Muslim Sardars and Tálukdárs of the whole Presidency. These two certainly deserve one seat each. There are a number of Muslim Jághirdárs and Tálukdárs, with or without jurisdiction, in this Presidency, whose interests have hitherto been entirely ignored by the Government. But now there is an awakening in the right direction, and we find that landed gentry are given the full recognition which their status fairly demands. The interests of Musalmans of Káthiáwár too deserve some special consideration at the hands of the Government. They are as much under the Government of Bombay as the Jághirdárs and Tálukdárs of the Presidency proper, and in some matters Káthiáwár is more closely connected with the Bombay Government than other parts of the Presidency.

For these two seats Mr. Alam Kuli Khan proposes election. But I think this is not practicable. It will be very difficult to form an electorate from them. Therefore, I suggest that the seats reserved for the nomination of Musalmans ought to be available for Musalmans of these two classes only. The Government of India has laid down the principle that besides election nomination should be exercised in favour of Musalmans and had reserved certain seats for this specific purpose. I believe the Bombay Government will adopt this principle. If it does, the best use it can make of this privilege would be to exercise it in favour of the Musalman Tálukdárs and Musalmans of Káthiáwár. The Musalmans of the three Divisions and of Bombay having been given a right to elect a member will not object to this consideration for their co-religionists of other parts.

As regards the local Advisory Council, it is difficult to make any suggestion as no scheme is put forward by the Bombay Government, nor by any newspaper or individual as far as I know. I hope the Government will publish some draft rules for the constitution of this Council. It will be an agency of immense power at the disposal of the Government. Unless it represents all classes and all shades of opinions, it might become a pliable instrument in the hands of some official class who, with all their good intentions, may be tempted to resort to some re-actionary or repressive measure believing it to be absolutely necessary in the interests of the public. If the members of this Council as a body be not free, frank and independent in expressing their opinions, it will do more harm than good to the Public. Moreover, as its deliberations would be confidential and sometimes by correspondence with individual members and not always in a meeting where there is the check of the presence of other members, it is absolutely necessary that the nomination of members to this Council should be made with the greatest care and due regard to all interests.

GULAM MAHOMED MUNSHI.

Rájkot, November 24.

Honourable Mr. Vithaldas Damoder Thackersey.

Dated the 5th December 1907.

From—The Honourable Mr. VITHALDAS DAMODER THACKERSEY, J.P., Bombay;

To—The Acting Secretary to Government, General Department.

I have the honour to acknowledge the receipt of your printed letter of the 31st October forwarding to me a copy of the letter of the Government of India to Local Governments outlining a scheme of reform in the administration, and of the Resolution of the Government of Bombay thereon. I proceed to indicate below briefly my views on the proposals.

2. As the Government of India ably point out, the time that has expired since the expansion of the Legislative Councils of India on the present basis has witnessed considerable progress in several directions, educational, social

and political; and it is a matter of extreme gratification that it is proposed to introduce further reforms to suit the altered conditions.

3. The reforms proposed by the Government of India may be grouped under three heads :—

(*a*) The institution of an Imperial Advisory Council and of similar bodies in the several provinces.

(*b*) The enlargement of Legislative Councils, Imperial and Provincial, and the adoption of means to make them more representative than at present of all classes of the community.

(*c*) Reforms in Budget discussions in the Councils.

4. First, as to the Advisory Councils. With the objects which Government has in view in the creation of these bodies, I have the fullest sympathy. The hope entertained, that the right of interpellation granted by the Indian Councils Act, 1892, would be the means of widely diffusing correct information on the questions of the day, has not been realised chiefly because, as stated in the letter of the Government of India, meetings of the Legislative Councils are too infrequent to offer the means of confidential and intimate consultation between Government and the people, and, it has to be admitted, this means of diffusing correct information about Government measures has proved inadequate, if not wholly futile. The desire of the Government of India to provide a more satisfactory means of effecting this important object deserves, therefore, to be heartily welcomed.

5. How far are the proposed Advisory Councils likely to fulfil this object? To take the Imperial Advisory Council, first. With due deference to the Government of India, I am unable to see how, except in a very limited sphere, an assembly composed of ruling Chiefs and territorial magnates can tender advice likely to be useful in the administration of British India. The Chiefs and magnates who can claim a rank comparable with theirs represent certain family or tribal traditions; they are neither in touch with the sentiments and aspirations of the English educated middle classes, nor with the trading community, nor with the toiling masses of the people in British India. It seems to me, therefore, to be in the highest degree improbable that they can serve as a medium of diffusing correct information among the population of British India, which is the first and main purpose which Advisory Councils are intended to serve.

6. It should not be understood that I undervalue the common interests that have arisen between the Government of India and Native States and the value of co-ordination of their efforts in such matters as famine relief or education. For those purposes I would humbly suggest that a Council of State composed entirely of ruling Chiefs and presided over by His Excellency the Viceroy would be most suitable. It would, while affording due recognition of the peculiar position of the ruling Chiefs, give Government the much desired opportunity of enlisting their co-operation in matter which concerns the whole Empire.

7. The Imperial Advisory Council, in order to fulfill its main function of diffusing correct information among the people of the actions of Government, on the one hand, and of representing to Government the views and sentiments of the people, on the other, should be more liberally constituted than in the scheme. I have said above, the ruling Chiefs should be constituted into a separate Council of State. The Imperial Advisory Council should consist of leaders in commerce, industries, as well as the learned professions. Landlords will, of course, be there as representing the premier industry of the country. But the no less important interests represented by the leaders of the textile, mining and other industries are also qualified and entitled to advise Government in important matters. If the Imperial Advisory Council be constituted on a wider basis as suggested above, it is likely to be of great service to Government and the people. I may add that it would add to the prestige and efficiency of the assembly if it is to meet at least once a year.

8. The constitution proposed for Provincial Advisory Councils seems to me to be more satisfactory. I have no remarks to offer in regard to them.

9. The proposal to increase the number of members in the Legislative Councils has my entire sympathy. Having regard to the necessity of having a standing official majority, the present limited number of seats open to non-officials is utterly insufficient to satisfy all reasonable claims to representation. Fifty-four members for His Excellency the Viceroy's Council and correspondingly larger for Provincial Councils would not at all be too numerous in view of the vast size and manifold interests of the population.

10. Turning to the distribution proposed for the members of His Excellency the Viceroy's Legislative Council, I am rather disappointed to see that while Chambers of Commerce and landholders of each province are to be allowed a representative each, such a body as the Bombay Mill-owners' Association is not to be accorded such a privilege. I respectfully submit that this is unjust, and that large industries wherever they exist ought to be duly represented in the Council. I would, therefore, urge that the Bombay Mill-owners' Association should be allowed to elect a representative to the Viceroy's Council. When important questions affecting the mill industry, such as the levying of a countervailing duty on cotton cloth, came before the Indian Legislative Council, that body had no representative of the industry who could have given valuable help in arriving at a right conclusion. It is very probable that important legislation affecting Indian factories, and especially the cotton mills in which Lancashire takes a particularly active interest, will have to be introduced in the Viceroy's Legislative Council, in the near future, and it is highly necessary that this important interest should be directly represented in that Council. The seat reserved for a ruling Chief may very well be spared for this purpose, as for reasons stated above in connection with the constitution of the Imperial Advisory Council, the presence of a ruling Chief in the Imperial Legislative Council seems to be superfluous.

11. As regards separate representation for Mahomedans, I may say at once that I am on principle opposed to it. If for Mahomedans, why not for Parsis, Native Christians, Jains and others ? In this country of sects and sub-sects it is easy to see how such a principle cannot be applied without giving rise to heart-burning and irritation. It is not correct to say that the present constituencies have selected only Hindu members to the Viceroy's Council. Bombay sent the late Mr. Sayani some year ago, and the Madras representative is Nawab Sayad Mahomood. It is grossly unfair to these gentlemen to assume, as the Mahomedan deputation seems to do in its address, that they adopted their views to those of the constituencies which returned them to the Council.

12. If, however, it be deemed necessary to give separate representation to Mahomedans, I submit that it is only fair that they should neither vote nor stand as candidates under the general franchise. Otherwise a Mahomedan landlord will have two votes, one as a landlord and the other as a Mahomedan, while members of all other communities will have only one vote each according to the interest they represent. Then, again, there ought to be a uniformity in the application of the franchise. You cannot have one qualification for the Hindu and another for a Mahomedan. Lastly I submit that the Viceroy may be left completely free to exercise his right of nomination according as circumstances require, and not be bound down to appoint two Mahomedans even if a sufficient number of this community may have entered the Council in other ways.

13. As regards the proposals for the reconstitution of Provincial Legislative Councils, I may state my views in general terms. I am unable to say that the present system of election has worked so ill as to require a radical change in the rules. In this Presidency, at any rate, there have been no complaints that the elected members did not fully answer the expectations of their constituents. Now that the number of members of Provincial Councils are to be increased, it is but proper that the franchise should be distributed, over a large area, but I would respectfully deprecate any attempts to create electorates on the basis of caste and sectarian differences. My remarks regarding separate representation for Mahomedans in the Viceroy's Councils apply with even greater force in regard to the Local Legislative Council, as the

Mahomedans of Bombay are quite as intelligent and educated as other classes of the population. The Local Government has always shown itself anxious to correct any inequalities as regards Mahomedan representation in the Council, and it has never been alleged that better representatives of Mahomedan interests could have been sent to the Council than those nominated by Government. I beg to point out that the case for direct representation of the Mill-owners' Association in the Local Legislative Council is even stronger than that, put forward above, for such representation in His Excellency the Viceroy's Council.

14. The reforms proposed in the discussion of the Budget in the Legislative Councils have my warm approval.

Chamber of Commerce, Bombay.

No. 1108 of 1907.

CHAMBER OF COMMERCE:

Bombay, 12th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. 6534 of 31st October 1907, enclosing copy of Government Resolution No. 6533 of the same date and copy of a letter No. 2310—2317 from the Government of India regarding the enlargement of Legislative Councils and connected questions.

2. Although your letter was not received by this Chamber until November 4th, my Committee have given this important subject their best consideration during the very short time allowed for representations to be made.

3. The letter from the Government of India begins by saying that "with the object of satisfying constitutional requirements of the Indian Empire, the Government of India had of their own initiative taken into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters," and further on it is said that "no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence." Further on in paragraph 16 it is stated that "the last point that remains for consideration under this head (the Imperial Legislative Council) relates to the representation of special interests and minorities."

4. My Committee invite attention to these three extracts to emphasise the fact that on the proposed enlarged Imperial Legislative Council the resident non-official European is not represented. It is true that the Chambers of Commerce of Calcutta and Bombay are each allowed to elect a representative, but these two members will have charge of special interests, and it is hardly probable that any of the other seats to be filled by nomination will be held by non-official Europeans. It appears to my Committee that this point is one which requires further consideration, for, as a body, the non-official Europeans in this country are educated men with wide experience. They have, moreover, important interests in the country as holders of property, many besides being land-owners, and their interests are in many ways identical with the people amongst whom they live and trade. As a body they are on friendly terms with the leading native gentlemen of the different communities, and as sound and disinterested work has been done by many Europeans on Municipalities, District Boards and other bodies, there is every reason to think that their experience would be of very great value on the Imperial Legislative Council. My Committee admit that there might be some difficulty at first in getting representative non-official Europeans to serve, but as one of the objects of the

legislation now proposed is the representation of special interests and minorities, the representation of non-official Europeans has, my Committee think, a very strong claim.

5. My Committee are quite at one with Government in their desire that by interesting a larger number of people in public affairs, the motives and intentions of Government should become better known, and if this end can be attained by the elective system, which it is now proposed to enlarge, Government and the community generally will be benefited. As to whether true and disinterested representatives of the different bodies it is proposed to create can be secured by election, my Committee somewhat doubt, and they agree therefore in the alternative put forward in paragraph 15 that Government should reserve to themselves considerable powers of nomination. The intention of the change now proposed is clearly to obtain representatives of the different classes, but the tendency in the past has often been—as pointed out in the Government of India's letter—for one class or interest to obtain the upper hand, and unless this is strictly guarded against in future the enlarged Councils may not be any better than those which now exist. As to whether the change now suggested will bring about the benefits that are desired, my Committee are somewhat doubtful. No doubt, in time with the spread of education suitable representatives of different interests will be forthcoming, but so far as can be judged from this side of India representative men for many interests will be difficult to obtain; and if it should happen that the elected candidate is not truly representative, it is hoped by my Committee that Government will reserve themselves the power of nominating instead.

6. My Committee note with satisfaction the views of the Government of India in paragraph 23 on the "discursive and unfruitful character" of the Budget debates both in the Imperial and Provincial Councils, and they entirely agree with Government that such changes should be made as will make the debates less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. If an enlarged Council only means an extended debate on the Budget by additional speeches, little or nothing will be gained by the change; but if by some method speeches can be limited to definite subjects, and if members are compelled to put written speeches on the table—copies of which might be supplied to the Council beforehand—the change would, in the opinion of my Committee, be advantageous, and they hope that an improved system of rules and regulations will be laid down by Government as a guide for the conduct of business hereafter at Council meetings.

I have the honour to be,
Sir,
Your most obedient servant,

C. H. ARMSTRONG,
Chairman.

J. B. LESLIE-ROGERS,
Secretary.

Mr. Vaman Narayan Joglekar, Pleader of Bhusával, East Khándesh District.

To—The Secretary to the Government of Bombay, General Department.

Sir,

In response to the Government Resolution No. 6533 of the 31st October 1907, with the Government of India's proposals to establish the Imperial and Provincial Advisory Boards and to enlarge the Imperial and Provincial Legislative Councils, I beg most humbly and respectfully to submit for the consideration of His Excellency the Governor of Bombay in Council my views solely confined to the subject of the enlargement of the Provincial Legislative Council of Bombay.

I am of opinion that there cannot possibly be any two opinions on the general principles of representation of castes, class or races as embodied in the Government of India's Resolutions Nos. 2310 and 2317, if only those representatives of the class, creed, or race have attained that general equipment necessary to discharge the duties of representing the several interests entrusted to their care. I mean principally the education which broadens the views of circumspection and develops the human character. We cannot lose sight of that important asset necessary for human development when we have to consider a subject of an important character. With these preliminary observations I may put forward the constitution and elements that are to constitute the Council of the Bombay Presidency.

Regarding the Provincial Legislative Council, I beg to suggest that the number of members constituting it should be 65 including the President, the Governor of Bombay. Excluding the President, the number of official members representing all the Departments of the Administration should be one-half, *i.e.*, 32. The number of elected members should be 24 and of those that are to be nominated by the Government would be 8. Thus the Council would be formed of the President, 32 official members, 8 nominated and 24 elected. The Government can, by thus distributing the representation, maintain its majority which they cherish so much and which it is so reluctant to part with.

Now for the purpose of electing the members the Presidency of Bombay should be divided into four electorates coinciding with the three revenue Divisions of the Presidency proper and Sind. The right of electing the representatives should be conferred upon the following bodies and classes :—

I. Municipalities.

II. District Local Boards.

III. Land-holders and Traders.

IV. Persons following the professions of Law, Teaching and Medicine, etc.

The number of representatives to be elected by each body or class would be :—

I. Municipalities, four.

II. District Local Boards, four—one for each Division and Sind.

III. One representative should be elected by one electorate constituted of all land-holders and Traders in each Division and Sind.

IV. Two representatives should be nominated by an electorate formed of men following professions other than Agriculture and Commerce, *i.e.*, Lawyers, Graduates, Teachers, Fellows of the University and Professors, for each Division and Sind.

V. One member should be nominated by the Corporation of Bombay.

VI. One by the Chamber of Commerce ; and

VII. Two by the University.

As regards the electorates mentioned above, I beg to suggest the following limitations and qualifications necessary to guard against the unwieldy body of electorate :—

I. In my opinion a group of only those Municipalities in a division having population of more than 15,000 should be formed for the purpose of an electorate and they should elect in each division one member.

II. All District Boards in a division will constitute one group for the purpose of an election.

III. In each Division of the Presidency proper and Sind a group of such land-holders and traders should be formed for the purpose of an electorate whose income from their trade or lands amounts to Rs. 25,000 or over.

IV. For this head a group of such Barristers, Advocates, Pleaders, or Professors and Graduates who are of at least fifteen years' standing should be formed.

Lastly, I would humbly suggest that out of the 8 nominated members the Government should nominate at least 2 members from Chiefs, Sardars, Jaghirdars.

The scheme suggested is, in my humble opinion, wide enough to give a free scope to all classes, creeds or races to elect their own representatives.

The Government's aim to favour particular classes or races with a definite number of representatives would engender invidious racial animosity which should be avoided by every enlightened Government as instead of promoting the welfare of the general public they tend to retard all progress, so essential for the best administration of Government. The Government cannot effectively give to all the classes separate representation, as this country is full of diverse classes or races and which if they all claim the Government cannot refuse their share consistently with justice.

In my opinion this Council should be given in addition to the present rights the right of modifying the budget, and the right of introducing a bill regarding such subjects as the Government may deem proper. This little concession would enhance the value and importance of the representatives of the Council and this would serve to awaken interest of the public in such representative bodies as Legislative Council.

I humbly hope, therefore, that this will meet with favourable consideration of His Excellency the Governor in Council.

I beg to remain,
Sir,
Your most obedient servant,
VAMAN NARAYAN JOGLEKAR,
Pleader.

BHUSA'VAL, EAST KHA'NDESH DISTRICT:
11th December 1907.

Mr. R. P. Lambert, District Superintendent of Police, East Khándesh.

Suggestions for the formation of Provincial and Imperial Committees drawn from Village Committees representing official and landed interests in the Country.

Advisory Committees and Councils.

Each village shall possess a Committee selected and elected in the following manner:—

Village Committee.

The District Magistrate shall nominate a member.

The District Superintendent of Police shall nominate a member.

The great land-owners shall elect a member in the presence of the whole village. The two nominated members shall preside in the chavdi and see that voters are not tampered with or annoyed. Notice must be given by beat of drum morning and evening for three days previous to the election.

Two nominated members.
Two elected members.

Permanent residents of the village who possess more than ten pairs of plough bullocks only are entitled to vote.

The small land-owners—who must each possess at least one pair of bullocks (Zeugitœ), but not more than ten—shall elect a member in the manner prescribed for the great land-owners, but the two elections may not be held on the same day.

A period of seven days must separate the two elections. When this has been done the four members must meet in the chavdi, on a day appointed, and elect in the presence of the village a fifth member to the Committee.

Each member may make his choice, but before stating his selection he must declare in a loud voice that the person he is going to name is being chosen by him on account of his "Loyalty," "Truth" and "Honesty." The youngest member of the Committee will be the first to name his nominee. If all four members name a different person the name of each nominee shall be put to the vote, beginning with the youngest member and so on until a majority of votes decides the question. If no decision can be arrived at, then the names of all the nominees shall be submitted to a Committee, presided over by the Collector, for the purpose of deciding all such questions. When the fifth member has been appointed to the Committee, a Chairman shall be chosen. No money-lender, liquor or opium vendor, pleader, Bunia or Government contractor (or any relations of such persons) is eligible to sit on this Committee.

Election of fifth member to the Committee.

This Committee shall be called the "Village Committee" and will be given certain powers to punish offenders and undertake all business in connection with the village. Each member shall receive a certain percentage of the village revenues and shall be entitled to the use of some of the village servants in rotation. It will be left to Government to extend other privileges if satisfactory reports are received regarding the work of Committees. The Police Patel, Revenue Patel and Kulkarni shall be under the orders of the Village Committee in regard to certain matters connected with the necessary life of the village.

Táluka Circle Committees or Village Group System.

Here village is the unit, and one member shall be chosen from the Committee of each village by the vote of the villagers and not of the Committee members.

Amphictyonic Committees.

Five adjacent and convenient villages shall be grouped together for voting purposes. The elected members from each village shall meet on a certain date, and they will choose from amongst themselves one member for the District Advisory Election Committee.

Election Committee.

Thus in a district, with 2,000 villages, 400 members will sit on the Election Committee. The duty of this Committee will be to elect, from amongst its members, the District Advisory Committee. The election will take place at the town which is the head-quarters of the district, and will be conducted under the immediate supervision of the Collector and Superintendent of Police. From amongst these 400 members one-fifth shall constitute the Advisory Committee and the election shall be conducted as follows :—

The District Advisory Committee.

The unit in this case is the Circle (five villages) and five Circles shall choose from amongst themselves a member for the Advisory Committee, thus making a grand total of 80 members on the District Advisory Committee. The decision of each group of Circles shall be announced in Public Darbar by the elected member of his group who shall affirm in a loud voice as follows :—

> "I have by the favour of God and the good will of my fellows been elected to sit on the Advisory Committee of the District and I, herewith, testify my readiness to help my Emperor, Government and Country in a loyal, truthful and honest manner. So help me God."

The General Election shall be held every 10 years, vacancies by death, resignation, etc., being filled up, in the meantime, by bye-elections within their respective Circles. Municipal towns shall not be included in this scheme, and members of a Local Board are excluded from taking any part in the elections for a seat on the District Advisory Committee. A meeting of the District Advisory Committee, lasting for not less than 10 days, shall be held once a year during the rains, and all sittings must be in open Darbar. No motion of any kind shall at any time be placed before the meeting. Any member who has

anything to say or suggest shall be given full opportunity of doing so. Notes shall be taken of every speech, and shall be read out before the assembly disperses so as to give members a chance of correcting inaccuracies in reporting.

Provincial Government Advisory Committee.

From each District Advisory Committee one-fifth of the members shall be sent annually (fresh election to be held every year) to the head-quarters of the Provincial Government where the procedure regarding sittings will be very much the same as suggested for the District Advisory Committee at its local head-quarter town. This "Parliament of Ryots" should be kept quite free from the influence of political wire-pullers and orators and should contain none but *bonâ fide* villagers.

Government of India Advisory Committee.

From each Provincial Government Committee one-fifth of the members shall be sent annually (fresh election to be held every year) to Calcutta to sit on the Governor General's Advisory Committee.

R. P. Lambert.

Reasons for recommending that one member of the Village Committee should be appointed by the District Superintendent of Police.

Any one with Indian experience is well aware that the public are extremely disinclined to assist the Police in the suppression and detection of crime and that the Village Police who are looked upon by the Police Commission members as the backbone of Police Administratiou seldom fulfil the task expected of them. It must first be explained that every village possesses a functionary denominated the Police Patil whose duty it is to communicate to the District Police information regarding crime committed within his jurisdiction. He is also—perhaps erroneously—expected to assist them in its detection by supplying them with useful facts regarding persons addicted to bad livelihood. But the District Police complain that the Police Patel, in the majority of cases, hinders rather than assists them, and the assertion has much truth in it. Undoubtedly there are exceptions, and it has been the policy of some Superintendents to encourage a zealous Police Patel by rewarding him with the gift of a sword, wristlet or some such article bearing a suitable inscription on it. But this manner of showing appreciation of good work is only skin deep and leaves no permanent impression. Something lasting and associated with our rule is required to lift friends of the Police on to a higher platform than the one on which the secret Police agent and informer stands.

The members of the Police Commission have, in their report, shown such a marked desire to safeguard the Police Patel from the direct control of the official Police, that the inference to be drawn against the latter is decidedly uncomplimentary. The supervision and control of the Village Police is to be entrusted to the District Magistrate and his Subordinates. We are told: "too much care cannot be taken to prevent the duty of headmen becoming irksome, and their influence impaired by bringing their conduct too often made the correction of their superiors." Then again we read: "the tendency to neglect criminal work in favour of revenue duties, of which there is considerable evidence, should be restrained."

These last few lines explain more than any words of mine can do the real relations between the Police and Revenue Departments. The latter have—to use a vulgar mode of expression—their own fish to fry, while the former are obliged to stand aside awaiting for the bones to be thrown to them. These so-called Police Patels are at the mercy of each and every Department; but the Revenue Department has the first call always. The ignorant reader, no doubt, feels his heart go out towards the headmen when reading the sympathetic tones of the Police Commission members; he burns with indignation against the

official policeman. He thoroughly agrees that the Police should not be allowed to make the life of the headman "irksome"; but he does not know the many duties of the official Police. A crime may occur once in five years in a village; the regular Police go there and make enquiries; they do not remain there the remainder of their lives sitting on the chest of the headman. No! if the life of the Village Patels is "irksome," we must not ask the Revenue Department to name the culprit. There are many Departments in a district; the Police alone should not be chained to the rock. The Revenue Department possesses many voracious mouths, the Public Works Department is not far behind, while a sheet would cover the Abkári and Forest Departments.

Before pointing out the remedies it will be as well to show the disadvantages of the present system of Village Police administration. For instance one would naturally suppose that the Police Patel would be under the orders of the chief Police officer in the district as regards appointment and discipline; but such is not the case.

In many instances the post of Police Patel is hereditary and the members of the Police Commission do not appear to have recognized the great disadvantage this system involves.

When the appointment of a Police Patel is not hereditary, the selection is made by the District Magistrate, entirely without reference to the Chief Police Officer of the district. In many districts even the appointment of the Village Police menials is made without consulting the officials most concerned, and yet one is expected not to be surprised when the District Police are ignored and passively resisted in their attempts to gather information regarding village crime and criminals.

I have more than once represented this anomaly, but have always been met with the statement that I was attempting to subvert the constitution. It is true that the Police Patel has to perform many duties connected with the Revenue Department; but in a village where there are separate Patels for the Revenue and Police it is carrying the love of power to an absurd and dangerous point to refuse to allow the Superintendent of Police to appoint his own representative. It is also quite impossible to understand why the British Government should allow criminals to be shielded and justice made impotent, simply because, in the dark ages, the Peshwa, or some equally unscrupulous Prince, was pleased to assign away village lands to an accommodating and corrupt toady, whose one idea—under the cloak of his Police Patelship—was to oppress the villagers and extort money from them.

The cry that treaties must be respected is undoubtedly sound; and no suggestion is here made or intended that present holders of land, by virtue of ancient rights, should be interfered with; but is it right to allow incompetent descendants to hold immense power for evil under an enlightened Government such as ours is? It is impossible in a sketch of the description to enter into detail; but it is my sincere and earnest conviction that so long as the present narrow system is persisted in, so long will it be impossible to protect the law-abiding citizen. An immense increase has taken place in Police expenditure, and, so far as I can judge, everything points to the burden becoming still greater. The remedy, in my opinion, is the Village Committee as suggested in my attached note. In view of the fact that there will be five members on the Committee, I do not think I am suggesting anything very ambitious in asking that one respectable member at least should represent Police interests in each village.

The mere fact that the Police are voiced on the Village Committee will immediately secure sympathetic and respectful treatment from every class, and the result will be hearty co-operation.

In conclusion, I cannot be better than quote the following lines in support of my scheme:—

> "The Commission regard it as of great importance to maintain and develop among the people a spirit or self-reliance and self-help, not only in regard to Police matters, but also in regard to other matters of local importance. They would favour any reasonable measures to prevent the destruction of the principle of co-operation in village life and the decay of the influence of the village authorities."

R. P. Lambert.

Certain inhabitants of Ahmednagar.

Ahmednagar, 12th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

Agreeably to paragraph 3 of the Government Resolution No. 6533, General Department, Bombay, dated 31st October 1907, on the subject of enlargement of Legislative Councils and connected questions, a meeting of the citizens of Ahmednagar was called on the 17th of November 1907 to express public opinion on the subject in question. We, the members of the committee appointed to draw up and forward a representation embodying the opinion and sense of the meeting, beg most respectfully to submit the following representation for favourable consideration of Government.

2. We beg to express our thanks to the Government of India for having, of there own initiative, taken into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters. The reforms, such as the enlargement of Legislative Councils, the recognition of the elective principle, the admission of interpellations and the free discussion of the budget which were introduced for the first time in 1892 have been more than justified by actual results. It is admitted on all hands that since then education has made a great advance and penetrated to circles which a generation ago had hardly been affected by its influence. It is also admitted that a greater employment of Natives of India in the actual administration of their own country, further extension of the elective principles and the giving of the increased opportunities to the people to make known their wishes and desires in respect of administrative and legislative questions and in shaping the action of Government have become a necessity. We also beg to thank the Government for recognizing the essential justice of the claim put forward by the people and for holding out a hope to fulfil, in no grudging spirit, the pledge which the people of India are entitled to regard as inviolable.

3. To satisfy the legitimate demand of the people for an increased share in the administration of their own country and also to remove the difficulties encountered by Government in India in making their measures and motives generally understood and correct erroneous or mischievous statements of facts or purpose imputed to them, the Government of India have put forward certain proposals with regard to the Supreme and Provincial Legislative Councils and the establishment of what are called Imperial and Provincial Advisory Councils. It is to be seen, after a careful study and examination of the recent proposals put forward by the Government of India, whether they can fulfil the objects in view. The principal reforms proposed are the increased numerical strength of the Legislative Councils, Government standing majority being always maintained, and the creation of new electorates to represent the various landed interests, races and creeds; the discussion of the budget, in the first instance, by separate heads or groups of heads which would be explained severally by the members in administrative charge, this discussion being followed by a general debate in which members would enjoy the same freedom, as at present, of criticising the administration. The Government propose to give more time to the discussion of the budget and promise that the remarks made in the course of the ampler and more practical discussion which is now contemplated would be borne in mind when making financial arrangements in subsequent years and on occasions, when possible, even to alter the budget actually under review.

4. The people are all at one with the Government on the question of the increase of the numerical strength, but beg leave to say that they differ most strongly on the question of maintaining the standing majority of Government. We fully admit the legitimacy of the paramount power of Government in India and yet we are fully convinced that it is not at all necessary that Government should *always* be able to reckon on a numerical official majority. We are willing to concede that there are certain questions of public policy, the relation of Government with foregin powers and the like, that cannot be discussed by

members of the Legislative Councils and Government of India alone must have the power to decide them. The Indian Councils Act, 1861, has by section 43 limited the power of the Provincial Governments in Legislative matters in certain respects therein mentioned and section 52 has reserved all rights and powers to the Sovereign and the Secretary of State for India in Council in relation to the government of this country. In matters of education, imposition of land, income or other taxes, police, famine relief, &c., *i. e.*, in matters of internal administration which immediately affect the people of India, more respect and consideration should be shown to public opinion as expressed by their representatives. This can be secured only by allotting only one-third of the number of seats to official members, one-half to elected members and one-sixth to nominated non-official members. For the present we shall be satisfied even if one-fifth of the total number be nominated by Government. No official can give his vote against the Government which he is serving even when he entertains a different opinion, and when the number of official members is *always* greater, the discussion on any question coming for discussion is always a foregone conclusion. Any measures passed by a majority of votes of the official members only cannot command that confidence in the people which they would otherwise do. Where is the use of having a debate and of ascertaining the real heart and mind of the people through their representatives on any public measure brought forward by the Government which is opposed by the responsible and sensible representatives of the people when there is a standing official majority? If the Government want really to take a step in advance and to admit the people to an increased share in the administration of the country, the question of standing majority of Government must be treated as an open one and free public criticism thereon must be invited. The proposed reform of increasing the mere numerical strength is not, and cannot be, a step in advance.

5. Again, the establishment of new constituencies of wealthy landlords, traders, artizans, castes and creeds, is not only a step in advance, but decidedly a most retrograde step. We are really surprised to find that the Government of India dislike the legal profession and have expressed their dislike openly by saying "that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled," and further on, "that the Government of India are not prepared to allow them a virtual monopoly of the power increased by the Councils, and that they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to this excessive influence by creating an additional electorate recurited from the landed and monied classes." The elective system that has been in force since 1892 has brought the legal profession and the schoolmasters prominently forward, not because the other interests, castes and races were not allowed to elect representatives from among themselves, but because men belonging to the legal profession and schoolmasters are the only people, so to speak, who always come in contact with all sorts of people, know the people, are of the people, and, above all, are rightly considered by the people to be the fittest persons to represent them in such Councils by their education, general knowledge and powers of debate and legal acumen. The work done by the schoolmaster and the legal profession in the Councils shows that they fully represented and fought for all the classes of people. The Government of India have also suggested that Mahomedans should be allowed to elect a certain number of representatives from among their own number because they are Mahomedans. Suggestions are also made that Local Governments shall determine how many seats in the local Councils are to be filled by elected representatives of the most important classes into which the population of the province is divided by race, caste or religion and shall allot these seats to the several classes. The Local Government are also asked to introduce into the system of election and nomination for the Municipal and Local Boards the principle of assigning a fixed number of seats of each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative. The Local Governments are also asked to allot each of the two communities, that is, Hindus and Mahomedans, seats proportionate to their numbers and to equally distribute the number of seats allotted to the Hindus alone between landlords, traders, cultivators and artizans; from the census statistics supplemented by the local enquiries determine what castes should

be elected for the purpose of electing members for each of these groups. No doubt literary and property qualifications in the voter and representative are insisted on.

6. The people are unable to understand the real object of the Government of India in introducing these new principles of election and selection. They will, in the opinion of the people, lead to mischievous consequences and do no good either to the Government or to the people. The Sovereign has given a promise that "none be any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law" (*vide* Queen's Proclamation of 1858). All have been preaching to the people of India to forget racial or religious prejudices and the leaders of the Native community of India have always insisted on the non-recognition of such distinctions in political matters. The Hindus at least have never asked the Government to recognize and act on such distinctions in political matters. The ambition of liberal statesmen must always be to bring about the political unity of the people, a condition precedent to any form of healthy representative Government. To introduce electorates for the first time after the lapse of so many years since the introduction of the elective principle on the basis of caste, class or creed, is not only to undo the good work of a generation but to make the people misunderstand the motives of Government. If these principles and suggestions are given effect to, they are sure to produce bitterness and animosities and lead to much trouble. The people are likely to carry the impression that Government favours the "Divide and Rule Policy." In the interests of peace and of good and civilized Government, therefore, the creation of such an impression must be entirely avoided.

7. We, therefore, beg most humbly and respectfully but earnestly to request the Government not to introduce these innovations. Representatives elected by the new constituencies from among themselves are certain to prove a failure, and the failure, it is apprehended, may afterwards be pointed out for the purpose of showing that elective principle is unsuited to this country.

8. The proposal of giving more time to the discussion of the budget would really be a step in advance, if those in charge of the preparation of the financial statement were made to feel that they were responsible, not only to Government but to the people in general. To make the discussion of practical use it is now high time that the non-official members should be given some voice in its preparation. This can be effected only by bringing the draft budget for discussion before the Council at least a month before the commencement of the financial year and in certain cases and under certain safeguards to give the members the right to challenge a division. With regard to interpellations the present arrangements are not to all satisfactory. If any member of Council thinks that he has not received a satisfactory reply to his question and if the question is of sufficient public importance, he must have permission to move a resolution. Government should, therefore, confer this right on the people. The Government also might make provisions as to the nature and subject of such interpellations and the procedure to be followed when moving the resolution. We are firmly of opinion that unless some such thing is done in the direction just indicated no practical good will result.

9. With these remarks, which are intended to apply to the Supreme as well as Provincial Legislative Councils, we beg to suggest that the Councils may in future be constituted on the following lines :—

Supreme Council.

		No. of seats.	Remarks.
1.	The Viceroy	1	
2.	A. *Ex-officio*	8	
	B. Additional officials to be nominated not exceeding	9	
3.	Ruling Chief to be nominated by Viceroy ...	*Nil.*	
	D. Elected members—		
	(*a*) By the Chambers of Commerce and other commercial associations grouped together in each of the older Presidencies—		
	Calcutta	1	

	No. of seats.	Remarks.
Bombay	1	
(Madras)	1	
(Punjab and United Provinces) ...	1	
(*b*) By the non-official members of Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7	
(*c*) By the Nobles and great landlords of the said provinces	4	
(*d*) By Mahomedans	*Nil.*	
(*e*) and (*f*) Non-officials to be nominated by Viceroy to represent minorities or special interests, or experts for special purposes not exceeding	11	
(Universities)—		
Calcutta	5	One each.
Bombay		
Madras		
Punjab		
United Provinces		
The Indian National Congress ...	2	
Political associations of over 10 years' standing in Bengal, Bombay and Madras ...	3	
Total ...	54	

The above suggestions with necessary changes should be observed in the formation of the enlarged Provincial Councils.

Enlargement of Provincial Councils.

		Seats.	Remarks.
1.	City Municipalities	3	
2.	District Local Boards	3	
3.	University	1	
4.	Chamber of Commerce	1	
5.	Mill-owners' Association	1	
6.	Any other trade association or groups of associations.	1	
7.	Electorate formed of all recognised Political associations of over 10 years' standing.	2	
8.	Graduates' association or electorate formed of all graduates of 10 years' standing.	1	
9.	An electorate formed in each district of all *bonâ fide* agriculturists who pay more than 200 rupees annual assessment.	3	Not necessarily a member of that class.
10.	An electorate formed of all income-tax payers who pay more than 200 rupees as income-tax.	2	One for Bombay alone and one for the rest of the Presidency.
11.	Inamdars and Jaghirdars ... ... (1 for Sind).	2	
	Inamdars	1	
	Chambers of Commerce	1	
	3 for (9) and (10) above	1	

In other presidencies and provinces total number of available seats to be distributed in the above way as far as possible.

Advisory Councils.

10. As regards Advisory Councils, Imperial and Provincial, we are glad to find that all Indian Governments have made it their business to elicit the opinions on administrative measures and proposals for action of those qualified to advise them in all ranks of society. It is admitted that such advice and opinions as are thus obtained are the indispensable foundations upon which good administration is built up and the regular consultation of persons qualified to give them is part of the necessary procedure of Government. It is also admitted that the best traditions of oriental policy have always recognised that the Sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. It is said that the

existing practice will, of course, continue, but considerable advantages might be expected from any measures which would, in some degree, associate the great ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests, and as the realisation of this idea has been rendered more practical by the existing circumstances enumerated, the establishment and recognition of a determinate body of advisers under certain conditions mentioned in the Resolution, be a marked step in the constitutional progress. The Government of India have also made certain proposals which are tentative, of course, with regard to their formation. We frankly admit that there are certain interests and questions common to British India and the Native States, but we are unable to understand how an Advisory Council composed on the lines suggested would be of any use to the people of British India. The ruling Chiefs and the territorial magnates of British India can never know, at first instance, the wishes and desires of the common people of British India and are not, therefore, expected to represent them in any way. No elective principle is recognised, no initiative power is given to them. It is only on certain occasions, when the Government of India so desires, that they are to assemble in a body. The deliberations are not open to the public. The Government of India are not bound to follow the advice tendered by the Council even as a body. All the things that go to make them members of a body to feel a sense of responsibility are thus wanting. A measure passed by the Government even on the unanimous advice of such a body cannot command public confidence. The real object seems to be that Government wants to make use of their opinion when its motives are misunderstood or misrepresented. But this object also, we are afraid, can hardly be fulfilled. The same remarks apply to Provincial Advisory Councils. If the Advisory Councils are to do any good we beg to offer the following suggestions with regard to their formation :—

(1) Elective principle to be recognised.

(2) The Council to give advice only in questions common to their territories and British India.

(3) The Council should meet in a body and at regular periods.

(4) The Council should possess the power of initiative.

(5) In matters which are to be laid before them the opinion of three-fourths of the councillors should prevail.

11. We beg to thank the Government for having invited full and free criticism on the new proposals. We earnestly request that the whole body of public opinion will be carefully considered and the weight and respect which is its due will be given to the same.

We beg to remain,

Sir,

Your most obedient servants,

B. B. Deshpande, B.A., LL.B., High Court Pleader,

Haridas Damodardas, Cloth Merchant,

V. B. Chankar,

G. R. Phadke, B.A., LL.B., Pleader,

Members appointed to draw up and forward the representation in a public meeting assembled on the 17th November 1907.

Anjuman-i-Islam of Bombay.

ANJUMAN-I-ISLAM,

Bombay, 21st December 1907.

To—The Secretary to Government, General Department.

Sir,

Pursuant to the Government Resolution in the General Department, No. 6533, dated the 31st October 1907, inviting representations from Public Bodies on the letter from the Government of India, Home Department, No. 2311, dated the 24th August 1907, we have the honour to lay before you the opinion of the Anjuman-i-Islam of Bombay on the subjects dealt with in the aforesaid letter.

2. The Anjuman desire to express their gratification at the recognition by the Government of India of the claims of the important Mahomedan minority to direct representation on the Legislative Councils by election, and while approving generally of the scheme that has been sketched out in the said letter as far as it affects the Mussalman Community the Anjuman beg leave to make the following suggestions for favourable consideration.

3. With reference to the Advisory Councils the Anjuman agree with the opinion of the Government of India that the formation of the Advisory Councils would be a step in constitutional progress if properly worked and constituted.

4. The Anjuman think that the Imperial Advisory Council should not be restricted to the Ruling Chiefs and the territorial magnates but persons possessing educational and intellectual qualifications should also be included therein and that in large cities and Presidency Towns of India the selection to these Councils should be extended to the Presidents of Representative Anjumans and Associations, and as far as such Councils are concerned the Anjuman trust that the interests of the Mahomedan Community will be properly safeguarded.

5. With reference to the enlargement of Legislative Councils, the Anjuman view with approval the desire of the Governor-General in Council that the Legislative Councils in India should now be enlarged to the fullest extent compatible with the necessary authority of the Government. The Anjuman cannot, however, help observing that the present number of seats allotted to the Mahomedans cannot be considered as fair or adequate having regard to their numerical, political and historical importance in the country. The Anjuman think that the present condition of the Mahomedans entitles them to claim more seats by election than are allotted to them in the scheme under consideration. In their opinion the Mahomedans should be given at least six seats, four of which should be offered for election by purely Mahomedan Constituencies. This, we submit, can be easily accomplished by throwing open to election the two seats specially reserved for nomination of Mahomedans under the scheme and if in the provinces of the Punjab and Eastern Bengal and Assam two Mahomedans are returned by election under heads C and D then the Mahomedans would secure the minimum representation, which in the Anjuman's opinion they are entitled to. In the event of the two possible seats in the above Provinces not being secured by Mahomedans it is submitted that the Governor-General in Council should be pleased to fill up the two seats by nomination under head F or the remaining seats under head E. The suggested arrangement would enable the seven Provinces (Bombay, Madras, Central Provinces, Punjab, the United Provinces, Bengal and Eastern Bengal and Assam) to share the benefit of representation on the Supreme Council more regularly. This arrangement will preserve the recommendation of the Government of India inasmuch as apart from offering the four seats for election the Viceroy will only be called upon to exercise the power of nominating two additional representatives in case the Punjab and Eastern Bengal and Assam failed to return a Mahomedan member each.

6. The Anjuman, however, do not feel certain that two Mahomedans will be returned by the Provinces in question. They venture to submit that from the fact of the Mahomedans being in a majority in these two Provinces it does not necessarily follow that they will secure any of the seats provided for their representation.

7. The Anjuman further beg to add that if the aforesaid suggestion is not considered feasible, the two seats reserved by the Viceroy for nomination may be so distributed among the seven Provinces by rotation as to enable the then unrepresented Provinces to be represented on the Supreme Council.

8. The Anjuman think that the electorate suggested in clauses A, B and C of paragraph 18 of the said letter is suitable as a tentative measure only. It might be added here that the Mahomedan claims to be fairly and equitably nominated as Fellows of the University require to be attended to.

9. In the absence of any definite scheme put forward by the Government the Anjuman are unable to offer any remarks. They, however, request the Government to offer them an opportunity of submitting their representation before finally approving of any scheme of the formation of the Local Councils. They would, however, like to add that having regard to the paucity of Mussalman graduates the franchise should be extended not only to all registered graduates but also to unregistered graduates of 5 years' standing.

10. In conclusion, the Anjuman hope that the Government will be pleased to favourably consider and accept the few points which have been submitted by them in the interests of the Mussalman Community.

We have the honour to be,

Sir,

Your most obedient servants,

CURRIMBHOY EBRAHIM,

President, Anjuman-i-Islam.

ABDEALI M. KAJIJI,

JAFFAR RAHIMTULA,

Honorary Secretaries,

Anjuman-i-Islam.

Certain Lingayets of Hubli.

To—His Excellency the Governor in Council, Bombay.

May it please Your Excellency—

We, the Lingayets of Hubli in a meeting assembled, crave permission to submit our views on the proposed enlargement of the Imperial and Provincial Legislative Councils and establishment of Advisory Councils, Imperial and Provincial, with our aspiration to a due proportion of seats in those bodies.

2. At the outset of these lines we beg leave to thank the Supreme Government for the sympathy and consideration evinced by them for the Indian peoples, especially the backward ones, in undertaking on their own initiative this scheme for a wide representation of all classes and interests in the said Councils.

3. We are humbly of opinion that the scheme contemplated by the Government of India will contribute in a great measure to remove those misunderstandings and misrepresentation between the Government and the people of India which it is unhappily the mischief of some to foster and will promote that good understanding and sympathy between them which is so essential to a benevolent and effective administration of a country.

4. In a land diversified by so many interests often antagonistic as India, it is of the utmost importance that they all should have a voice on matters affecting them, and we fully appreciate the proposal of the Government of India to effectuate by means of the contemplated measures a mode of class representation that will answer the purpose.

5. Taking advantage of the benevolent intentions of the Supreme Government we take this opportunity of inviting the attention of the Government to the backwardness of our community in administrative matters and trust that they will accord to us that share to a voice in the consultative assemblies which our position in the scale of the Indian peoples demands.

6. Moved by an address of the Mahomedans of India the Supreme Government have been pleased to apportion to them a certain number of seats on the Imperial Legislative Council.

7. It is our most humble submission that the position and importance of our community in this part of the country entitles us to the same favour and indulgence at the hands of the Government as the Mahomedans. It is a long accepted and widely known fact that the Lingáyets are people with a religion of their own, owing no superiority of the Bráhminic or any other priests except their own. They form an independent community, integral in itself, and are a race known for their industrious, meek and law-abiding nature. Their number in the whole of India comes to about 3,400,000. Of this large number as many as about 1,100,000 of people are spread over the Bombay Carnátic. They are thus one of the most numerous communities of these parts. It is not their numbers only that speak in favour of their claim. In all branches of industry we find them working diligently and peacefully. Most of them are agriculturists, but not a few of them are weavers, dyers, oilmen, shopkeepers and carpenters. We find amongst them also potters, barbers and smiths. It is they who contribute in the shape of land revenue and income-tax and other assessments to the coffers of the Government. There are communities in this Presidency which can surpass them in numbers, but a community which will beat down in the variety of callings, professions and interests cannot be found. There are about 12 lákhs of Maráthás, but one cannot find amongst them these numerous interests and professions noticed above.

8. There was a time now dim to the vision when the Lingáyets were a race of political importance. The scattered Jághirs over the Kánarese districts of the Presidency speak effectively to their past political greatness. There are amongst them even now territorial magnates and big land-owners. A community so important from its numbers, industries and past connections must deserve, it is humbly submitted, that favour and indulgence at the hands of the Government which they are ready to extend to any that ask for it in a constitutional way. We, trust, therefore, that the Government will consider in a favourable light the proposals which we are now making on behalf of our community.

Imperial Legislative Council.

9. It is our humble craving that the Supreme Government will graciously be pleased to reserve for our community two seats in the Imperial Council. It has come to the notice of the Supreme Government that the system of territorial representation has signally failed in yielding the desired effect. Unless therefore each community has its seats fixed in the Councils to which it can elect its own members its interests will not be safeguarded. It is our submission that our community, though not so widely spread as the Mahomedans, is not for that reason any the less entitled to that share in the voice of the administration of the country which its importance otherwise merits. There is not a single measure of the Supreme Government which will not affect in one way or other this community presenting so diversified interests, nor is it incapable of returning able members to the Councils. True it is that a quarter of a century ago the case was otherwise. What with the help and sympathy of the Government, what with their own efforts the Lingáyets of the present day have made a progress in the path of education which, though not complete and perfect as yet, still is sufficient to entitle them to an humble share in the

deliberations of the Imperial and Provincial interests. In clause (E) of the 12th paragraph of their letter to the Provincial Government the Government of India propose to reserve four seats to represent minorities or special interest to be filled by nomination by the Viceroy. It is our humble prayer that of these four, one may be allotted to our community. In clause (D) of the same paragraph they have proposed to reserve two seats for Mahomedan members, to be elected by their community. It is our submission to the Government that one seat should be reserved to our community, to be filled by election by us. With reference to an electorate to select our member for the Supreme Council, we have to submit that it should be formed on lines proposed by the Supreme Government in paragraph 18 except that in sub-clause (C) of the first clause of that paragraph the annual income upon which income-tax is paid should be 15,000 in the case of Lingáyets.

Imperial Advisory Council.

The third proposal formulated by the Government of India in paragraph 5 of their letter leaves 40 seats to be filled by territorial magnates of every province where land-holders of sufficient dignity are to be found. We are happy to state that there exist in our community land-holders, Desais, Deshpándes and other Watandárs whose aggregate income ranges from 10 to 50 thousand repees a year. Of these, we submit, at least two should be elected to seats in the Advisory Council.

Provincial Legislative Council.

We beg to suggest that in the Bombay Legislative Council four seats should be reserved for our community—

(1) Two to represent land-holders and cultivators.

(2) One to represent commerce.

(3) One to represent manufacture and industry.

An electorate to select these members should be formed on the lines suggested by the Supreme Government in paragraph 17 of their letter, but it is humbly submitted that instead of a separate list for each of the districts, one list for the whole community should be prepared.

Of these four we suggest two should be returned by the electorate and two should be nominated by the Government. In this connection we most humbly submit that the proposals of the Supreme Government sketched in paragraph 22 of their letter will help in a great measure to secure an equality of distribution of seats in Local Councils and Boards amongst all classes; it is our humble prayer that, as in the case of Mahomedans, in our case also proportionate number of seats should be allotted to us in those Municipalities and Local Boards in whose circle our community preponderates.

Provincial Advisory Council.

10. Four seats, it is prayed, should be reserved for us in the Bombay Advisory Council—two to be nominated from the land-holders and agriculturists, one from the commercial class and one from industrial and manufacturing classes.

Praying that these proposals will attract a favourable consideration at the hands of the Government.

We beg to remain,

Your Excellency's most humble servants,

SIDDHARAMAPPA DUNDAPPA PAWATI, B.A., LL.B.,

and Others.

Hubli, 16th December 1907.

Certain Lingáyets of Dhárwár.

Dhárwár, 13th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

Before expressing our opinion in accordance with paragraph 3 of Government Resolution No. 6533 of 31st October 1907 on the subject contained in the letter from the Government of India, we, the Lingáyets of Dhárwár, crave permission to express our sincere and hearty thanks to them for the measures they have undertaken to carry out in the creation of the Advisory and the reconstruction of the Legislative Councils. The principles intended to be adopted are quite suited to the times through which the country is now passing. Various communities in India have begun to entertain a growing desire to have some share in the affairs of the Government on account of their social and intellectual advancement, and any measure that is calculated to satisfy their aspiration cannot but have a beneficial effect on the whole of the Empire. The introduction of Western knowledge brought about a new civilization, altogether foreign to original Indian notions, and a few communities that had the good luck to accommodate themselves to the new conditions were enabled to rise high, while other communities that had, in days gone by, distinguished themselves in several spheres of public utility, were relegated to an humble and almost insignificant position. The new measures will, we think, change the present state of things and give prominence to races and interests that really preserve it and with whom the interests of the Government are more intimately and directly connected. The existing state of things requires a closer union between the rulers and the ruled, and the principles now intended to be adopted in the creation of Advisory and the reconstitution of the Legislative Councils are surely expected to bring about such result. The proposed changes will, we presume, create cordial feelings between the Government and the subjects, a genuine sympathy and regard for the British Government, an appreciation of every benevolent measure framed for the good of the people and an intelligent and sympathetic co-operation with the Government in their intricate relations with the subjects. Such a direct contact with the heads of the Executive will surely produce a healthy influence on the public, to whom will be opened hereafter a political life which was, till now, practically barred to them.

2. We now beg to draw your kind attention to the claims of the Lingáyet community of being represented in the various Councils referred to in the letter from the Government of India. The Lingáyets do not acknowledge the superiority of any other religious community in India. The community includes within itself persons following all sorts of professions from the highest to the lowest, although those following the professions usually considered as degrading are only called the followers of Lingáyets. In short, the community may be said to be integral in itself. The total population of Lingáyets in India is more than 2,600,000. They have lost much of their importance by being distributed over four political divisions, the Presidencies of Bombay and Madras, the Mysore State and the Nizám's Dominions. In the Madras Presidency they are thrown into obscurity and have been allowed to neglect themselves. We do not exactly know what position they hold in the Nizám's Dominions. They are more prominent in Mysore and the Bombay Presidency.

3. Confining ourselves to the Lingáyets of Bombay we can safely say that both in point of numbers and importance they deserve special consideration at the hands of Government. Numerically the community is as big as any other community in the three divisions of the Presidency, except the Maráthás, as may be seen from the following figures taken from the recent Census report :—

1.	Musalmáns	1,280,000
2.	Maráthás—	
	(*a*) Maráthás proper	1,571,000
	(*b*) Kunbis	1,306,000
3.	Lingáyáts	1,140,000
4.	Kolis	1,012,000
5.	Bráhmans	685,000
6.	Vánis	271,000
7.	Jains	226,000

Apart from their numbers the Lingáyets can claim precedence over the other communities referred to above in point of agricultural, commercial as well as industrial activities. The bulk of the regular husbandmen in the districts of Dhárwár, Belgaum and Bijápur are Lingáyets. Many of the big Zamindárs, that is, the Desais, the Nadgowdás and others and a great majority of watandár pátils in the Southern Karnátic are Lingáyets. As regards the importance of the Lingáyet husbandmen we cannot do better than refer your kind attention to the remarks of the author of the *Dhárwár Gazetteer* at page 252 of the volume.

4. We further beg to submit that Lingáyets are a predominant commercial class in the part of this Presidency. Their activities in this direction may not be as high as those of the Pársi and other communities centred in the capital of the Presidency. We submit that they are the leading merchants of the Southern Karnátic, and we venture to hope that the present lift which they expect to have at the hands of Government will enable them to rise still higher in every branch of public utility.

5. They are also not the less noted for their industrial activities. Many of the ginning factories and presses in this part are owned by Lingáyets, and many of the indigenous industries, *e. g.*, dyeing, weaving, oil-pressing, pottery, etc., are chiefly in their hands.

6. Lastly, we may note here the progress which the leaders of the Lingáyet community have been making to bring about the educational advancement of its members. By the efforts of the Lingáyet Educational Association established at Dhárwár in the year 1883 a great change has come over the Lingáyet community. This change the leaders have been able to achieve only with the sympathetic help of Government and the district officers and in the future also they only look upon Government for the uplift of their community. Seeds of movements of this nature have also been sown in the other centres of Lingáyets, *e. g.*, Sholápur and Kolhápur. By means of these and the recent munificent donation of Shrimant Sir Desai of Shirsangi, we hope to attain in the near future a position as high as that of any other community of the Presidency.

7. We thus beg to submit that the claims of our community possessing all-sided activities as shown above will be fairly dealt with in the general adjustment the Government is going to make.

Imperial Advisory Council.

8. As regards representation we beg to request that the Government of India may be pleased to nominate two Lingáyet members to the Imperial Advisory Council. We are humbly of opinion that as the Advisory Councils are a sort of training ground for preparing persons to participate in other departments of Administration, the results will be beneficial in proportion to the attention bestowed on these by the Imperial and Provincial Governments.

Imperial Legislative Council.

9. We think that the total number proposed for the Imperial Legislative Council by the Government of India leaves no scope for a prayer that one seat at least should be reserved for election by Lingáyets. But we think that of the four members to be nominated by the Viceroy under clause E of paragraph 12 of the letter of the Government of India, one seat may be reserved for our community as representing special interests.

Provincial Advisory Council.

10. From the number and importance of our community we think we can claim four seats in the Provincial Advisory Council, or at least as many as the Mahomedan community can claim. As already explained above, we submit that persons representing the various interests and able and willing to serve as members of this Council are at present available in our community and there will be no difficulty for the Government in finding out such persons.

Provincial Legislative Council.

11. For the Provincial Legislative Council we propose that four seats should be reserved for Lingáyet members—two to be nominated by Government and two to be elected by the community. We submit that as in the majority of cases the agricultural, commercial and industrial interests are combined in the same individual, only one electorate of the whole community should be formed and it should be empowered to elect both the members. The electorate may be formed to consist of—

(*a*) all Zamindárs, *i. e.*, Desais, Nadgowdás, etc.,
(*b*) all land-holders paying an annual assessment to Government of not less than Rs. 200,
(*c*) all persons paying an annual income-tax of not less then Rs. 50,
(*d*) all graduates and pleaders of not less three years' standing,
(*e*) all the members of the Lingáyet Education Association, Dhárwár.

An electorate formed on these lines will, we think, be simple and easy to be worked out.

12. Our last prayer is with regard to the representation of Lingáyets in the Local Boards and Municipalities. No doubt the Lingáyets have, of late, begun to take an active interest in these matters; still the advanced classes in many cases manage to keep back the backward classes. The proposals sketched out by the Government of India in paragraph 22 of their letter will, we hope, tend to bring about the desired result.

We beg to remain,

Sir,

Your most obedient servants,

S. V. Mensenkai and others.

Mr. Kazi Kabiruddin, Bar.-at-Law.

To—The Secretary to Government, General Department, Bombay.

Sir,

Pursuant to the Government Resolution in the General Department, No. 6533, dated the 31st October 1907, inviting views and representations on the letter from the Government of India, Home Department, No. 2311, dated 24th August 1907, I have the honour to submit the following observations for the consideration of the Government.

2. I shall confine my remarks to that portion of the letter which concerns the Mahomedan community. As I am connected with the Bombay Anjuman very intimately (first as Secretary and now as Vice-President) for the last 12 years, and as I have had occasion to study the system of election in the Central Division, in which I had twice stood as a candidate for the Local Council, I hope my views would prove of some use and interest to the Government.

3. At the outset I have to thank His Excellency Lord Minto for his statesmanlike grasp of the problem of representation by class and express general approval of the scheme. It must be remembered here that the reasons upon which the Mahomedans have their claim for separate representation have been fully and frankly set forth in the address which the Mahomedan Deputation, under the presidency of His Highness the Aga Khan, was presented to His Excellency the Viceroy in October last. If the Government of India has seen fit to recognise the justice of the Mahomedan claim for separate representation on the Legislative Council, surely the representation so conceded ought to be adequate. If this was not done, Government will have, on the one hand, incurred the displeasure of a class of Indian politicians for alleged partiality to Mahomedans, and, on the other hand, have failed to materially benefit the Musalmáns or to safisfy the just demands of the educated Mahomedans for the adequate representation of their special interests on the enlarged Council.

4. In allotting seats to the Mahomedans in Municipalities, Local Boards, Provincial Council, Supreme Council or Advisory Council, the following important general principles and considerations must be borne in mind :—

(1) The proportion of Mahomedan members should not be determined on the basis of the numerical strength of the community alone. Due regard may be had of the political and social importance of the community and also of the value of contribution which they make to the defence of the Empire.

(2) The Mahomedan representation should not be an ineffective minority.

(3) The number of Mahomedan members should be one-third at least if not one-half of the total number fixed. Because the total Mahomedan population is over 62 millions or between one-fourth to one-fifth of the whole Indian population. Further, if a reduction was made of those who were classified as such but were not Hindus, then the Mahomedan percentage would be over one-third of the whole Indian population.

(4) Election should be given preference over nomination ; and the electorate should be formed on the territorial basis on groups formed according to the number of seats allotted.

(5) The electors as well as the candidates both should be Mahomedans.

(6) A Mahomedan revising officer to prepare lists would have to be appointed to avoid a contingency of being declared that eligible Mahomedans were not available.

Municipalities and Local Boards.

5. These institutions, apart from dealing with the important local interest, deal also with religious concerns, and really speaking form a school where the first lessons of local self-government are learnt. In the interest of good government the position of the Mahomedans in these Bodies should be governed by higher principles :—

(1) The number of Mahomedan members ought to be one-half. The Hindus cannot honestly object to it because no question of higher policy was involved in them. This could be conveniently adopted by doubling the existing constituencies and electing one Hindu and Mahomedan each.

(2) The qualification of Mahomedan voters should be fixed somewhat low to enable larger number of people to take part in the local self-government and also to allow a sufficiently large electorate to be formed, which will ultimately be called upon to elect a member to the Local Council.

(3) The electorate should be formed on the territorial basis on groups formed according to the number of seats allotted.

Provincial Legislative Council.

6. My remarks under this head will apply to the Bombay Presidency. The Bombay Government having not laid any proposal before the public, as was done in some other provinces, it is difficult to express one's views.

7. There are two modes of which the Mahomedan population may be fixed. The number ought to be equal to the Hindus, to make the representation commensurate with the weight to which the community was entitled, or they should be one-third, as the former are 6 crores to the 22 crores of the latter. On the equitable and just grounds one-third would be a reasonable number. In the absence of any number fixed by the Bombay Government I can only say this that excluding Sind at least six seats ought to be reserved for the Mahomedans :—

(1) Four seats offered to election—(*a*) Three seats should be reserved for three divisions of the Presidency, that is, Northern, Central and Southern Divisions of the Presidency may elect one member each. This could be accomplished very easily and conveniently by doubling the constituencies and preparing a separate list of Mahomendan voters.

(2) Two seats may be reserved for nomination by Government. The nomination may be confined to (*a*) Muslim Sardárs, Tálukdárs and Jághirdárs of the Presidency, and (*b*) Muslim gentlemen of Bombay who would be in trade, commerce or industry.

(3) The sixth seat may be offered for election to the City of Bombay, to be elected by (*a*) Graduates, (*b*) Fellows, (*c*) Justices, (*d*) Associations (i) of at least 15 years' existence and (ii) possessing an endowment fund of at least Rs. 25,000.

8. Thus there will be four electoral circles, unless the Government would choose to form a fifth one for the Sardárs. As regards the qualifications of voters I would suggest the following:—

(1) Mahomedan land-owners paying land revenue of Rs. 600 or over annually.

(2) Mahomedans paying an income-tax on an annual income of Rs. 1,500 or over.

(3) Mahomedan graduates of one year's standing.

(4) Mahomedan Fellows of the local University.

9. After a most careful study I have prepared a most exhaustive scheme, but that is kept back not to make the letter too long.

Supreme Council.

10. I view with thorough approval the desire of His Excellency the Viceroy that the Supreme Council may be enlarged, along with others, to the fullest extent compatible with the necessary authority of the Government. I cannot help remarking that the Mahomedans have been very badly treated with respect to seats in this Council. The four seats allotted to the Mahomedans and two more to be gained by them in Punjab and Estern Bengal (a highly unsound and wrong calculation) can by no means be sufficient for an adequate representation of this community. If that hypothetical case was granted, even then six seats out of 54 is too small a number to safeguard the admittedly large and diversified interest of 62 millions of Mahomedans.

11. I would therefore urge that six seats be reserved for Mahomedans.

This can be accomplished by the following alternations:—

	Government proposal.	Suggested alternation.
A.—*Ex officio*	8	8
B.—Additional officials	20	19
C.—Ruling Chief	1	1
D.—Elected members—		
(*a*) Chambers of Commerce	2	2
(*b*) Non-official provincial members ...	7	7
(*c*) Nobles and land-owners	2	4
E.—Nominated non-official members including at least two Mahomedans	4	4
F.—Nominated experts	2	1
	53	53

12. With reference to alternative (i) by reducing one official and one expert, two more seats could be given to Mahomedans. His Excellency the Viceroy will always have an option of nominating more than one expert under head E.

13. If this was not approved, then increase two officials along with two Mahomedans and increase the total from 53 to 57.

14. I cannot feel certain that Punjab and Eastern Bengal will return two Mahomedan members. The simple fact of the Mahomedans being in majority in those provinces will not be sufficient to allow that the Mahomedans will have majority in the Provincial Councils. Further, the constitution of the extended Provincial Councils having not yet been framed it would not be possible to make any calculation at all.

15. As regards the electorate I am of opinion that it should not be confined to the non-official members of the Provincial Council alone; because their

number would be too small. A special electorate ought to be formed on the following basis:—

(1) Mahomedan non-official members of the Provincial Councils.

(2) Mahomedan Fellows of the local University.

(3) Mahomedans paying income-tax on an income of Rs. 25,000 a year.

(4) Mahomedans paying land revenue of Rs. 20,000 every year.

(5) Registered graduates of 10 years' standing.

(6) President and Vice-President of such Muslim associations as have an endowment fund of Rs. 50,000 and are in existence for at least 10 years.

Advisory Councils.

16. I entirely agree with the opinion of the Government of India that the formation of an Imperial Advisory Council would be a marked step in constitutional progress. It will be in accordance not only with the best traditions of the Oriental policy, but also with the scriptural injunctions of Islám.

17. I think some intellectual qualification ought to be placed upon its membership.

18. I also think that councillorship should not be restricted to the Ruling Chiefs and territorial magnates, but in large cities and Presidency towns the President as well as the Vice-President of representative associations of at least 10 years' standing with an endowment of at least Rs. 50,000 may be included in the number of Imperial Councillors.

19. What I wish to impress very strongly upon the Government is that a certain number of seats should be fixed for the Mahomedan community in the Imperial as well as the Local Advisory Councils and that they should be filled up with as great latitude as possible.

I have the honour to be,

Sir,

Yours, etc.,

Sassoon Hall, Nesbit Road, Mazagon, Bombay, Dated 14th December 1907.

KAZI KABIRUDDIN, Bar-at-Law, J.P.,
Vice-President, Anjuman-i-Islam,
Bombay.

Mr. Janardan Virbhadra Pathakji, Jághirdár of Motavarachha, Surat.

To—The Secretary to the Government of Bombay, General Department.

Most Respected Sir,

The undersigned respectfully begs to draw the attention of the Government to the following few lines so that the matter contained therein may be of some avail, though very limited and humble, in forming a practical and correct view regarding the enlargement of Legislative Councils and connected questions.

I belong to an old respectable leading Hindu family of Surat. I may come under the category of territorial magnates as I am a superior holder of an important and big inám village near Surat. I am an under-graduate of the University of Bombay and was a student at the Government Law School at Bombay for full three years. I hold a seat on the Surat District Local Board as a representative of the Inámdárs of the District of Surat. A sub-committee of the abovementioned Board was appointed to consider the scheme of the Government of India for the enlargement of the Councils and connected questions. The undersigned, being a member of the sub-committee appointed, was furnished with a copy of the Government Resolution No. 6533 for information

and guidance. The committee has considered the subject as well as it could during the short time at its disposal and the President would forward its report.

The undersigned, being desirous to render some humble service to the benign Government in connection with such a scheme of much importance and far-reaching consequence, and feeling himself interested in it a little, has made bold to express his frank and humble opinion as under, though unasked to do so, although other non-official gentlemen, it is understood, are specially asked to do so. And consequently the undersigned thinks it proper to tender, in the beginning, his apology for his intrusion and frankness of opinion, in anticipation of its being granted.

The following lines are in answer to the set of questions received from the Commissioner, N. D., in the form of help in forming an opinion :—

1. Mr. Ishvardas J. Store is a fit gentleman of our district to have a seat on the Imperial Advisory Council. He is a territorial magnate holding about three villages in the Surat District; is an under-graduate of the Bombay University; belongs to a very old and respectable family; is a recognized leader of the Hindu community; is perhaps the oldest standing Municipal Councillor; has often served on the District Local Board; was a President of a local cotton mill; has still to do much with the cotton industry and other commercial interests in Gujarát, besides being an Honorary Magistrate.

2. The following are the gentlemen fit to be on the Provincial Advisory Council :—

Mr. Ishvardas J. Store.

Mr. Kekhushrow E. Modiji. He is an old graduate of the Bombay University; is created a Sardár of the Deccan which speaks much of him; is looked upon as a leader of the Parsis; was a Municipal Councillor for some years; holds large tracks of land at Broach and other places.

The Honourable Mr. Sayyad Zein Al Adrews. His merits and qualifications are well known to the Government as he is already nominated on the Provincial Legislative Council. His late revered father was also on the Bombay Legislative Council as I understand.

Mr. Janardan Virbhadra Pathakji. The undersigned blushes to mention his own name.

3. The following institution should be added to those that are already mentioned :—The Native Chamber of Commerce, Bombay; the Cotton Merchants' Association, Bombay; the Grain Merchants' Association, Bombay; the Graduates' Association, Bombay; the Agricultural Co-operative Societies in the Presidency.

4. The undersigned begs to suggest the following other method of election : an electorate should be formed comprising all the territorial magnates and big land-holders; and these electors should elect a representative for the Legislative Council, be he member of the Imperial Advisory Council or of the Provincial Advisory Council or not.

5. Besides the gentlemen mentioned in No. 2, the following are other gentlemen fit for the purpose :—

Mir Muzfer Hoosseinkhan. He is a scion of the old Nawab family of Surat, with a handsome income of more than Rs. 15,000 a year; is a territorial magnate in having a village in Broach District; is a recognised leader of the Mahomedans of Surat.

Mr. Ganpatrao Bhimashankar. He is a scion of the family of Gangadhar Shastri known to the student of the Marátha period of the Indian History and holding about three or four villages, some British and some Gáekwádi. It would be out of etiquette to mention one's own name. There may be others of whom the undersigned knows little.

6. The Sardárs of the Deccan with liberal additions would not sufficiently represent the land-owning class; and therefore the undersigned suggests that all

the Inámdárs and big land-holders should be given the franchise and then there would be a fair represention of the land-owning class.

7. Yes. They are mostly Inámdárs.

8. This matter can be better ascertained by referring to the Government records.

9. In the first place the undersigned humbly opines that there is no such special representation necessarily required. Because the Government can assign a seat to a member of any community, backward or forward, in order to have its representative to look after its interests, by nomination; again, the Government is in itself so very circumspect that it *does* and *can* look after their interests without any special representation. Elections should remain elections. Election should not be tinted by the slightest colouring of any kind—grace or favour. Again, such granting of special representations would invite other communities to ask for such special (or rather racial) representation for their communities as well. As for instance the Jains, who are non-Hindus, the Sikhs, the Jews, who are more in number than the Pársis in India, the Native Christians and others. The undersigned knows of no such really representative institutions in Surat; there is an Anjuman-i-Islam for instance and Mir Muzfer Hoosseinkhan, a hereditary leader of the Suni Mahomedans of Surat, is not a member of it. The Bohras and the Shias are not represented by the above Anjuman. Also there is the Pársi Panchâyat. Sir Jamsetji Jijibhai of Bombay, who is its President, claims to be the head of the Pársis, while the Modi family of Surat claims to be the hereditary head of them all. Under the circumstances both the aforesaid bodies are not really representative. There is no known body for the Eurasians here.

10. The following are the interests fit to be represented:—Commerce, mill and other industries, agriculture, science, education—specially technical—and the Municipal and Local Bodies.

11. It would be better if the representatives of the Local Boards and Municipalities on the Provincial Legislative Council be themselves members of the respective Bodies.

12 and 13. The Government would get more proper information as regards matters contained in the questions by looking into the Government records.

I beg to remain,

Sir,

Your most obedient servant,

JANARDAN VIRBHADRA PATHAKJI,

Jaghirdár of Motavarachha.

14th December 1907.

Gujarát Sabha, Ahmedadad.

To—His Excellency Sir GEORGE SYDENHAM CLARKE,

Governor of Bombay in Council, Bombay.

May it please Your Excellency,

We beg humbly and respectfully to submit, by direction of the General Committee of the Gujarát Sabha, Ahmedabad, the following representation in regard to the Government of India's proposals for reforms in the Indian Administration for the kind consideration of Your Excellency's Government.

2. The Sabha is respectfully of opinion that the proposals require to be considerably modified before they can serve the purpose for which they are intended and so satisfy in some degree at least the legitimate aspirations of the people of India to claim an increasing share in the concerns of their country.

3. The principal objects which the Government of India have in view in creating Imperial and Provincial Advisory Councils, namely, "of bringing all classes of the people into closer relations with the Government and its officers," and "of increasing the opportunities of the people of India of making known their feelings and wishes in respect of administrative and legislative questions" are, in the opinion of the Sabha, not likely to be secured by Advisory Councils constituted in the manner indicated in the Despatch. The members of all the Advisory Boards, whether of the Supreme or Provincial Governments, are to be nominated and not elected. They will therefore be answerable to no public constituency for the advice they may have chosen to tender on a particular administrative measure, but only to the Government which has nominated them. The recognised leaders of the middle class are to be entirely excluded from the Imperial Advisory Council which is to consist solely of Ruling Princes and territorial magnates. A Council which finds no place for men of such acknowledged abilities and character as the Honourable Sir P. Mehta, Dr. Rash Behari Ghose, Mr. Ananda Charlu, Mr. Gokhale, and others who, by common consent, are representative leaders of Indian thought and public opinion, would be worse than useless if not mischievous. Moreover, Ruling Chiefs can hardly be said to be the representatives of the masses and the middle class of British India, and their interest would generally lie in what they think would be the supposed wishes of political officers. Many of the magnates have, by the nature of their position and environment, to remain aloof from the common people, and are therefore not expected openly to sympathize with the feelings and the ideas which are agitating the public mind at the present day. The interests of the landed aristocracy of India are bound up with the land-revenue system, and they cannot afford to give fearless and independent advice to Government on any momentous question on which the opinions of the executive and the feelings of the people are likely to be in conflict. Whether they were the natural and hereditary leaders of Indian society in times gone by is a debatable question entirely foreign to the present issue, for times are now changed, and new political conditions have arisen under which Ruling Chiefs and territorial magnates are less fitted to enter into and to voice the sentiments of the Indian people than the great body of modern men whose growing influence His Excellency the Viceroy was gracious enough to recognise in his speech from the Supreme Legislative Council in November last.

4. To invite such gentlemen to offer their advice to the Government is hardly tantamount to "bringing all classes of the people of India into closer relations with the Government and its officers," nor can Advisory Boards so constituted be expected to present a correct idea of the feelings and sentiments of the people as a whole on a particular measure. Further, the Sabha strongly protests against the opinions of the members and the proceedings of the Board being kept secret. The people on whose behalf and in whose name the Advisory Boards are expected to tender advice ought to have, in common fairness, the right to know what the advice is particularly because such advice is liable to be utilized by Government as the collective opinion of the common people. To make the Boards and their members immune from responsibility to public criticism would be not only harmful to the public interest, but opposed to all canons of good Government.

5. It would be a matter of little surprise if the advice sought in secret, and offered also in secret, of such members as are nominated by Government alone, and are responsible to none but themselves, is often not in consonance with public feeling. The people will have no faith in Advisory bodies so constituted. They will naturally think that the Boards are created for the purpose of making a show of the people's approval of the measures of Government officers. The people's cause is not in any way advanced by the creation of such Councils, and looking to what the Government of India say in their Despatch that even before these proposals came into being "they as well as all administrative officers have made it their business to elicit the opinion on administrative measures of those qualified to advise them in all ranks of society," and that "this process will of course continue," the formation of Advisory Boards on the lines indicated in the Despatch would be an unnecessary if not a superfluous proceeding.

6. The proposals of the Government of India in this matter have originated in the questionable assumption that an Advisory Council like the one formulated by them is "in accordance with the best traditions of Oriental polity, where a Sovereign however absolute" was "to make it his business to consult competent advisers, and to enforce his rule in accordance with what, after such consultation *he** deemed to be the best mind of his people." The analogy of a benevolent but an absolute Oriental Sovereign is inappropriate and misleading. The good-intentioned absolute monarchs of old are reported to have often gone about their kingdoms *incognito* to learn the sentiments and the wishes, not of the Ruling Chiefs or territorial magnates, but of the common people; and the authority of an Oriental Sovereign which was seldom absolute and unlimited in the sense assumed in the Despatch, was exercised, and plans of administrative reform were devised and carried out, by officers who were exclusively natives of India who could understand the feelings and sentiments of their fellow-subjects, and were amenable to Indian public opinion. The Sabha has no fondness for past absolute monarchies, nor does it intend anything in disparagement of the modern system of Government; it only means respectfully to urge that the analogy of the tradi tions of an absolute Oriental polity utilized by the Govern ment of India in formulating their proposals is unsuited to modern conditions-unless the whole hierarchy of officials happens to be recruited solely from the people of India.

7. In order that the Advisory Councils might serve their legitimate purpose the Sabha would take the liberty to suggest—

(*a*) that the Advisory Councils should have legislative recognition;

(*b*) that three-fourths of the number of members constituting such Councils sho uld be elective, the method of election being similar to that in vogue at present in the matter of returning non-official members to the Provincial Legislative Councils;

(*c*) that due provision should be made for the representation of the middle and professional classes on the Imperial Advisory Council;

(*d*) that an adequate and a fair provision, to the extent of at least one-third of the total number of members on the Provincial Advisory Councils, should be made to represent the middle and professional classes;

(*e*) that the Councils should meet at stated intervals at the call of Government, at least four times a year;

(*f*) that they should also have the power to meet *suo motu* and pass resolutions on Government measures;

(*g*) that the opinions of the members and the proceedings of the Boards should be public; and lastly

(*h*) that they should have the power to initiate resolutions and proposals for the consideration of Government.

8. Coming to the Legislative Councils, both Imperial and Provincial, the main idea that runs through the proposals of the Government of India in this regard is to curtail the influence of the educated classes, particularly of lawyers and "school-masters", who, in the opinion of the Government have, by reason of their "excessive" influence, hitherto enjoyed a "virtual monopoly of the power exercised by the Councils." The remedy proposed is to "supply the requisite counterpoise to their excessive influence by creating an additional electorate recruited from the landed and monied classes."

9. To speak of the educated classes having hitherto had a "virtual monopoly of the power exercised by the Councils" is manifestly untenable. Such a monopoly of power in the Legislative Councils has always remained with Government officials who invariably possess a standing majority there. The Sabha is not aware of a single instance of elected representatives having ever scored a victory against the solid phalanx of official members. In the

* The italics are ours.

matter of such Bills for instance as the Official Secrets Bill, the Universities Act Amendment Bill, and the recent Seditions Public Meetings Bill before the Supreme Council, and the Bombay Land Revenue Code Amendment Bill of 1901 before the Bombay Provincial Council, Government could carry their Bills through by the aid of a compact official majority in the teeth of the earnest and unanimous opposition of the elected representatives of the people.

10. If lawyers form at present a majority of elected members of the Legislative Councils, it is because their electors have confidence in them as the best persons who could advocate their interests and represent their views. The electors had therefore best be left to themselves to choose their own representatives, untrammelled by rules or restrictions that they shall elect only a particular class of representatives and none else. And experience has so far proved that their choice has not been badly exercised. The Government of India do not allege that lawyers elected as representatives have failed to do their duty by their constituents in the Legislative Councils, or that they have been guilty at any time of advocating their personal or professional interest to the prejudice of the public interests. Even in a free country like England, where electors are supposed to exercise their franchise in the best interests of their country, lawyers, school-masters, and journalists are returned as members to Parliament and hold seats in the Cabinet, not to talk of France, where a great majority of the Deputies and some of the Ministers are recruited from the learned professions.

11. But the Government of India desire to supply a counterpoise to the "excessive" influence of the educated classes by "creating an additional electorate recruited from the landed and monied classes." The Sabha would respectfully ask Government to consider whether this policy of creating a counterpoise will call into existence a better class of representatives more independent, more informed, more patriotic than the present class of lawyers and school-masters; and whether the policy will not very likely set up class against class, and so neutralize all the forces of Indian public opinion by causing their mutual destruction.

12. The scheme outlined by the Government of India for constituting the Imperial Legislative Council fails to make any provision for the commercial and trading classes. The Government of India say in their Despatch that they ought to be represented, at least to supply a "counterpoise" to the "excessive influence" of the professional classes; yet no provision seems to have been made for them, while the Chambers of Commerce of Calcutta and Bombay which are exclusively Anglo-Indian have been given two seats on the Council. It is needless to say that the Indian commercial interest is increasing in importance day by day, and according to the suggestions of the Government of India it is to be represented on the Provincial Legislative Councils. The Sabha would therefore propose that the Indian commercial classes for the Presidencies of Bombay, Madras, Bengal and the United Provinces should each be allowed to return one representative to the Imperial Legislative Council, every merchant or firm paying an income-tax of Rs. 200 a year or more being considered as qualified to vote.

13. Again, the Sabha similarly fails to find any representation on the Imperial Legislative Council allowed to the educated classes as such. It might be urged that the non-official members of the Provincial Councils of Madras, Bombay, Bengal and the other provinces are to be authorized to return seven representatives to the Imperial Council, and that as, out of those seven, some are very likely to be members of the educated community, no separate representation for the educated classes is needed. But the non-official element of the Provincial Councils which is to return representatives to the Imperial Councils, is henceforth to be so constituted by the incorporation of the landed and monied classes, and by representation on the basis of creed, castes and religion, that the so-called "excessive" influence of the educated classes is to be curtailed, for that is the purpose openly avowed by the Government of India in their Despatch. There is therefore less likelihood of the non-official members of the Provincial Councils returning, as their representative to the Imperial Council, a member of the educated classes. The Government of India

recognise that the professional classes are "entitled to a share of representation proportioned not merely to their numbers which are small, but to their influence which is large and tends continually to increase," yet on the Imperial Council they fail to obtain any representation whatsoever.

14. Under the present system four additional members are elected to the Imperial Council by the non-official members of the Councils of Bombay, Madras, Bengal and the United Provinces. The Government of India propose to raise the number to seven by extending the privilege of election to the non-official members of the Councils of Eastern Bengal and the Punjab and Burma. So that, even if it were supposed that the non-official element in the reformed Provincial Councils will return a member of the educated class as its representative in the Imperial Council, the educated community gains no additional privilege, for Bombay, Bengal and the United Provinces have been hitherto sending one member each, and they are to return the same number hereafter. There is doubtless an increase in the number of Provinces to be represented, but the Provinces of East Bengal, the Punjab and Burma are not sufficiently advanced in education like their sister Provinces of Bombay, Bengal and Madras, and therefore there is less likelihood of their returning members of the educated classes as representatives to the Imperial Council. The number and the influence of University graduates have greatly increased since 1893, yet not only is no attempt made to give them their due representation on the Imperial Council, but retrograde proposals have been suggested the effect of which will be practically to shut them out from the Councils altogether.

15. The Government of India have, in their observations to the Local Governments for forming Mahomedan electoral constituencies for Provincial Councils, suggested that franchise might be granted to Mahomedan graduates of more than five years' standing. It seems to the Sabha therefore that in the opinion of the Government of India a constituency of graduates alone is quite feasible. Under the circumstances the Sabha would take the liberty of proposing that double-degree graduates of more than five years' standing in the Provinces of Bombay, Bengal and Madras should have the privilege of sending one member each direct to the Imperial Legislative Council. The Sabha thinks that no measure of Council reform would be productive of any good unless and until the educated classes are awarded due and direct representation.

16. Regarding the four seats reserved specially for Mahomedans in the Imperial Council, two by election and two by nomination, the Sabha has nothing to say against it. Out of twenty-five non-official members on the Council, two will be Anglo-Indians representing the Chambers of Commerce of Calcutta and Bombay, and two will be experts who may or may not be Indians and who, according to the scheme, are to be nominated when necessary for special purposes. Deducting these four seats from twenty-five, it seems that twenty-one seats are to be filled up exclusively by Indians, and as Mahomedans are certain to get four out of twenty-one, or nearly one-fifth of the number reserved for natives of India, they obtain, in the Sabha's opinion, sufficient representation, whether their weight as a community or their proportion to the total population of non-Mahomedans is taken into account. The Sabha trusts that proportionate representation will similarly be accorded to other creeds.

17. The qualification proposed by the Government of India to entitle a land-owner to vote for returning his representative to the Imperial Council is too high. The Government of India say that the "amount of land-revenue giving the right to vote should not be less than Rs. 10,000 a year." The Sabha thinks that the qualification requires to be considerably lowered, especially in Bombay where there are very few big Zamindars. The franchise can then be shared by an appreciable number of people and not remain concentrated in the hands of a few, who are more likely to be under the dominating influence of high revenue officials.

18. Further, the restriction that nobles and land-owners shall elect only one of their class should be removed. To hamper electors in selecting a representative to their own liking by any such restrictions is to give them the

shadow and not the substance of a real franchise. If the nobles think that a gentleman outside their class but otherwise worthy will represent their interests best, their judgment should be allowed to prevail, for they alone will know what is best for their own interest.

19. Coming to the Provincial Legislative Councils, it is not possible for the Sabha at this stage to express its views in detail as the Government of Bombay have not, like the Government of India, hitherto put forward any definite proposals. The Sabha has therefore to confine itself for the present merely to the making of general observations on the suggestions made by the Government of India to the Local Governments about the formation of Provincial Councils. It would also take the liberty of offering some suggestions of its own in anticipation.

20. The Government of India urge that representation to the Provincial Councils should be principally on the basis of caste, creed, race, or religion into which the population of a province is divided, with the reservation that members of a particular caste ought not to be allowed to return a representative of a different caste, creed, or religion. In the Sabha's opinion it would be a most objectionable proceeding. None will deny that all classes of His Majesty's subjects should, as far as possible, be represented on the Provincial Councils, but the mode of election by castes and creeds indicated by the Government of India will create regrettable, and at times acute, sectional jealousies between one caste and another which it is the duty of the Government to obliterate. There will also be practical difficulties in carrying out the scheme. The Local Government has to legislate on the economic, industrial, agricultural and political questions of the day which are common to all castes and religions, it has not to legislate on caste-rules, or religious dogmas. No presentation therefore on the basis of a caste or creed *as such* is either desirable or expedient in the interests of good government. Further, it is inadvisable to provide that a particular caste shall return a representative of that caste only. It will accentuate caste distinctions and retard the gradual evolution of the body politic as a homogeneous whole. The object of giving a wider franchise to castes and creeds will, in the opinion of the Sabha, be equally attained by dividing the people into territorial and occupational groups for the purposes of representation, so that no ill-feeling between caste and caste is likely to be created, while people of different castes and creeds who very often follow the same occupation will be duly represented.

21. The Sabha respectfully suggests that no restriction as to the caste, class, or residence of an elected representative should be imposed. Such restrictions have nothing to do with the fitness or capacity of a representative.

22. The educated classes ought to be given direct representation on the Provincial Councils. The Sabha would respectfully invite the attention of Your Excellency to paragraphs 13 and 14 of the present memorial on this head. The Government of India suggest the extension of the franchise to Mahomedan graduates of more than five years' standing. It is therefore but fair that the franchise of representation should be similarly given to non-Mahomedan graduates of five years' standing.

23. If it is intended to provide for a representative from the Bombay University, the right to vote should be given only to Indian Fellows. Non-official Anglo-Indian gentlemen possess a sufficient measure of representation for themselves.

24. Indian monied classes, that is, the Indian mercantile interest which is growing in importance every day, should also be represented on the Provincial Councils. The Sabha invites the attention of the Government to its observations in paragraph 12 of the present memorial on this head.

25. In order to give adequate representation to the rural as well as to the urban classes the Sabha would suggest that the Local Boards as well as Municipalities of the Bombay Presidency should both have a representative on the Provincial Legislative Council.

26. The Sabha would propose that strict rules should be made prohibiting Government servants from voting or offering themselves as candidates for the

Provincial Legislative Councils. The rules hitherto in vogue have proved entirely ineffective. Government are to have a permanent official majority in the Councils, and they will also have to appoint some members by nomination. If the people are therefore to possess an elective franchise at all their choice of representatives should be unfettered and as free from official interference, direct or indirect, as Government could possibly make. In this connection it would not be amiss for the Sabha to urge that the elective franchise to be given to Local and Municipal Boards should be given to the *elected* and not to the *nominated* members of such Boards.

27. The Sabha begs to present here a brief summary of the foregoing remarks and suggestions as follows :—

(*a*) Imperial and Provincial Advisory Councils, if constituted in the manner suggested by the Government of India, are not likely to attain the desired object in view; for members are to be *nominated*, the recognised leaders of the middle and educated classes are to be excluded, while the Ruling Chiefs and territorial magnates cannot be expected by the very nature of their position and environment to voice the public feeling and sentiment fearlessly and independently.

(*b*) To keep the advice of individual members and the proceedings of the general Advisory Boards secret would be harmful to public interests, and such advice would be of little value as it would be irresponsible advice.

(*c*) The Government of India say that their officers have made it their business to consult competent advisers hitherto; therefore such Advisory Boards are superfluous.

(*d*) The analogy of the best traditions of an absolute but a benevolent Oriental Monarch referred to by the Government is inappropriate, unsuited to modern political conditions, and inapplicable to the present system of Government.

(*e*) The Advisory Councils should have legislative recognition.

(*f*) Three-fourths of the number of members constituting such Councils should be elective.

(*g*) Due provision for the representation of the middle and professional classes on the Imperial Advisory Council should be made.

(*h*) At least one-third of the number of seats on the Provincial Advisory Councils should be allotted to the middle and professional classes.

(*i*) The Advisory Councils should meet at least four times a year.

(*j*) They should have the power to pass resolutions and to meet *suo motu*.

(*k*) The opinions of the members and the proceedings of the Councils should be public.

(*l*) As regards Legislative Councils, to speak of the educated classes having hitherto had a virtual monopoly of the power exercised by the Councils is manifestly untenable. Such monopoly of power has always remained with Government officials.

(*m*) In Bills before the Imperial and Provincial Legislative Councils hotly contested by the elected members, the latter have always been unsuccessful.

(*n*) The lawyers and school-masters have hitherto done excellent work, fearlessly and independently, and have never advocated their personal or professional interests.

(*o*) Even in a free country like England lawyers and journalists are in evidence in the Cabinet and in Parliament.

(*p*) The supplying of a so-called "counterpoise" to the "excessive" influence of the educated classes will not create a better and more informed class of representatives, and by setting up class against class, is likely to neutralise all the forces of Indian public opinion.

(*q*) In the Imperial Legislative Council the Indian commercial classes whose influence is growing should be represented, the Anglo-Indian merchants being already represented by the Chambers of Commerce.

(*r*) The Indian commercial classes of the Presidencies of Bombay, Madras and Bengal should each be allowed to return one representative to the Imperial Council, every merchant or firm paying an income-tax of Rs. 200 a year or more being considered qualified to vote.

(*s*) The educated classes as such ought to be represented on the Imperial Legislative Council.

(*t*) The non-official members of the Provincial Councils are not now likely to return any members of the educated class as representatives to the Imperial Council, for the Provincial Councils are to be so modelled by the incorporation of the landed and monied classes, and of castes and creeds as to reduce the influence of the educated class,—an object openly avowed by the Government of India.

(*u*) Bombay, Madras, Bengal and the United Provinces have each the right to send one member to the Imperial Legislative Council and therefore they do not get any additional members by the Government of India's present scheme.

(*v*) The Provinces of Eastern Bengal, the Punjab and Burma are not advanced in education, and they are not likely to return a member of the educated class to the Imperial Council as their representative.

(*w*) The Government of India have proposed that Mahomedan graduates of five years' standing might be given the right to vote for a representative for the Provincial Council; therefore it will be but fair if non-Mahomedan graduates are given the right to send a representative to the Imperial Council.

(*x*) The Sabha consequently proposes that double-degree graduates of more than five years' standing in the Presidencies of Bombay, Bengal and Madras should have the privilege of sending one member each direct to the Imperial Council.

(*y*) Mahomedans being assured by the scheme of four out of twenty-one seats to be filled exclusively by the natives of India, both nominated and elected, the other twenty seats (excluding one reserved for a Ruling Chief) should be allotted to non-Mahomedans.

(*z*) The sum of Rs. 10,000 a year as land-revenue suggested by the Government of India to entitle a land-owner to vote for a representative for the Imperial Council is too high. It should be Rs. 2,000 a year.

(*aa*) The restriction that nobles and land-owners shall elect only one of their class should be removed.

(*bb*) As regards Provincial Legislative Councils, the Sabha has to confine itself for the present to making general observations in the absence of a detailed scheme in that regard.

(*cc*) For the Provincial Councils, representation on the basis of creed, caste, race and religion, is objectionable because it will create sectional jealousies.

(*dd*) The Legislative Councils have to deal with economic, industrial and political questions, not with caste-rules or religious dogmas. Therefore, representation of a caste or creed *as such* is not advisable.

(*ee*) To give wider representation, the people should be divided into territorial and occupational groups.

(*ff*) No restriction as to caste, class or residence of an elected representative should be imposed.

(*gg*) The educated classes as such ought to be given direct representation on the Provincial Legislative Councils by extending the franchise to graduates of more than five years' standing.

(*hh*) If the University of Bombay is to be allowed the franchise, it should be allowed only to Indian Fellows.

(*ii*) The Indian mercantile classes should be represented on the Provincial Councils.

(*jj*) Municipalities and Local Boards should both be represented on the Provincial Legislative Councils.

(*kk*) Government servants should be strictly forbidden from voting for, or offering themselves as candidates; and, lastly, the elective franchise to be given to Local Boards and Municipalities should be given to the *elected* and not to the *nominated* members of such Boards or Municipalities.

28. The Sabha would further suggest that Local Governments should be called upon by the Government of India to prepare and publish a draft scheme for their respective Advisory and Legislative Councils, and to invite public opinion thereon before it is finally submitted for approval to the Secretary of State for India.

29. In conclusion, the Sabha thinks it would be failing in its duty to the Government and to the public at large if it were not to confess to a sense of keen disappointment at the reform-proposals formulated by the Government of India. Doubtless the extension of time proposed to be granted for the discussion of the Budget by compartments is a concession for which the Sabha is thankful; but the proposals taken as a whole, instead of being in the direction of progressive reform, are distinctly retrograde and reactionary. No provision appears to have been made for the purpose of giving power, however slight, to the people's representatives in the administration of public affairs,—powers for which the Indian National Congress and the public have been appealing so strenuously and so long. The Sabha is at one with the Government of India in affirming that the paramountcy of the British power should be maintained in undiminished strength, but there are numerous questions of domestic policy and administration, such as those of education, agriculture, commerce, irrigation, civil public works, abkári, customs and excise, where, without impairing British paramountcy, the representatives of the people in the Advisory as well as Legislative Councils could be safely entrusted with some power of administrative and financial control. The people should also have a voice in the Executive Councils of the Imperial and Provincial Governments.

30. The Sabha would therefore suggest—

(i) That there should be Indian members on the Executive Councils of the Government of India and of Provincial Governments as well, and that they should be elected by the Indian elected members of the Provincial Legislative Councils.

(ii) Any measure of domestic policy or legislation which is objected to by two-thirds of the elected representatives of the people of those Councils should be dropped.

(iii) That any measure of domestic legislation or policy which has the support of two-thirds of the elected representatives of the people, should be carried irrespective of the votes of other members in those Councils.

(iv) That when the power to discuss the Budget in compartments is given, the non-official members of the Council should have the further power to divide on questions of domestic policy in the Budget debates.

We beg to subscribe ourselves,
Your Excellency's most obedient
and humble servants,

AMBALAL SAKARLAL DESAI,
President, Gujarat Sabha.

GOVINDRAO APAJI PATEL,
SHIVABHAI M. PATEL,
JOSEPH BENJAMIN,
Honorary Secretaries,
Gujarat Sabha, Ahmedabad.

Ahmedabad, December 14th, 1907.

City Municipality of Ahmednagar.

No. M.—513, dated the 16th December 1907.

From—J. P. Orr, Esq., I. C. S.,
Collector and President, City Municipality, Ahmednagar;

To—The Secretary to Government, General Department, Bombay.

With reference to your letter No. 6534 of 31st October last, I have the honour to state that the proposals of the Government of India on the subject of enlargement of Legislative Councils and other connected questions were placed before the Municipality, and to forward to you a note of their views as embodied in their resolution of 28th November 1907.

No. 1071, dated the 30th November 1907.

From—Byramji Sorabji, Esq.,
Vice-President, Ahmednagar Municipality;

To—The Collector and President, Ahmednagar Municipality.

I have the honour to forward herewith the resolution passed by the Ahmednagar Municipality in its Special General Meeting on the 28th instant convened for the consideration of the Government Resolution No. 6533, dated the 31st October 1907, in connection with the enlargement of Legislative Councils and connected questions:—

"Resolved that the Supreme Legislative Council and the Provincial Legislative Council be constituted as per accompanying statements A and B, respectively, and that the accompanying suggestions (C) be adopted in connection with the constitution of Advisory Councils."

A.

Supreme Council.

Electorates.	Future number of seats.	Remarks.
1. Universities—		
Calcutta	5	One each.
Bombay		
Madras		
Punjab		
Allahabad		
2. Provincial Councils—		
Bombay	7	One each.
Madras		
N.-W. Provinces		
Punjab		
Burmah		
Bengal		
Eastern Bengal		
3. Chambers of Commerce and other Commercial Associations grouped together in each of the Provinces—		
Bengal	4	
Bombay		
Madras		
Punjab		
N.-W. Provinces		
4. Political Associations of over 10 years' standing in Bengal, Bombay, Madras or the Indian National Congress to return three members.	3	
5. Land-holders, nobles of Bengal, Eastern Bengal, Bombay, Madras, Punjab, N.-W. Provinces.	4	*N.B.*—Member to be elected need not necessarily be confined to the member of that class but of any other class.
6. Electorate formed of Mahomedans of a stated property, qualification and education.	2	

B.

Provincial Council.

Associations which return members at present.	Number of seats to be allotted in enlarged Councils.	Remarks.
1. City Municipalities	3	One seat to all the City Municipalities in each district.
2. District Local Boards	3	One seat each to all District Local Boards in each district.
3. University	1	
4. Chamber of Commerce	1	
5. Mill-owners' Association	1	
6. Any other recognised trade association or groups of such association.	1	
7. An electorate formed of all recognised political associations of over 10 years' standing.	1	
8. Graduates' association electorate formed of all graduates of over 10 years' standing.	1	
9. An electorate formed in each Division of all *bonâ fide* agriculturists who pay more than Rs. 200 as annual assessment.	3	*N.B.*—One in each Division. Member to be elected not necessarily a member of that class.
10. An electorate formed of all income-tax payers who pay more than Rs. 200.	2	One for Bombay City and for the rest of the Presidency proper.
11. Inamdars and Jaghirdars	2	
12. Special electorates of Mahomedans having certain property and educational qualifications.	1	Reserved
13. For Sind	3	
1. Chamber of Commerce	1	Three seats.
2. Inamdars	1	
3. For (9), (10) as above	1	

C.

Advisory Council.

(1) An elective principle to some substantial degree at least must be introduced in the formation of such Councils.

(2) That Ruling Chiefs in such Councils should only be consulted in questions of general military policy such as Imperial Service Troops, Cadet Corps or any other questions of a large administrative principle which is common to them and British India.

(3) That such Councils should meet at least twice a year.

(4) That there should be a sort of moral guarantee that no administrative or legislative measure would be introduced or passed by Government unless it is supported by three-fourths of such councillors.

(5) Generally the Council should be consulted in a body and not individually, informally and privately as proposed and that too for purely not consultative purposes.

(6) That it should include representatives of all classes who are morally and intellectually well-equipped except those whose advice is needed as experts.

(7) That such a Council should at least have the initiative of tendering occasional addresses to the Viceroy and Provincial Rulers on the wants and grievances of the people when Government too should take an opportunity of enunciating large measures of general policy as is done at the time of opening proroguing British Parliament.

Hon'ble Mr. Gokuldas Kahandas Parekh, B.A., LL.B.

GIRGAUM, BOMBAY:

13th December 1907.

To—R. E. ENTHOVEN, Esq., I. C. S.,

Acting Secretary to the Government of Bombay, General Department.

Sir,

With reference to your letter No. 6534 of the 31st of October last, I have the honour to submit my views on the schemes of reform proposed in the letters Nos. 2310—7, dated 24th of August last, from the Secretary to the Government of India to the Secretaries of the different Provincial Governments and the Honourable the Chief Commissioner, Central Provinces, a copy of which accompanies the said letter.

2. In connection with the question of Advisory Councils, Imperial and Provincial, I am of opinion that if they are so constituted as to be able to voice the views of the people of the country and composed of persons in whom the people have confidence, they cannot fail to be of considerable utility. I am however of opinion that Advisory Councils constituted in a manner described in the letter of the Secretary to the Government of India are not likely to give the people of India wider opportunities of expressing their views on administrative matters. They will not be of any appreciable help in preventing misunderstanding and misinterpretation of the motives and measures of Government and promoting a better understanding between the Government and the governed.

3. With reference to the suggestion that a certain number of Ruling Chiefs should be put upon the Imperial Advisory Council, I think their presence in the Council will not be of any use in promoting closer relations between the Government and the people. In the first instance the Ruling Chiefs would have no direct interest in the British territories and their inhabitants about whom they may be asked to advise; they are generally inaccessible; they are too high to know much of the views and wants of the people; they are in the habit of looking at administrative questions from the official point of view and in many respects the conditions of Government in the territories of Indian Ruling Chief are quite dissimilar from those that exist in the British territories. The Ruling Chiefs are not much outspoken; they are generally averse to expressing views which they believe to be not acceptable to the higher officers and they would be most unwilling to express such views when it is not necessary to do so, either in their own interest or in the interest of their subjects. These Chiefs by their position and surroundings are least fitted to be mouthpieces for conveying the views of the people to Government or of those of Government to the people.

4. I am also of opinion that Ruling Chiefs of ability and self-respect will not be agreeable to serve upon an Advisory Council, the advice of which the Government may accept or reject, when they would be exposed to the odium of all unpopular measures in respect of which Government may seek their advice.

5. Though I am opposed to the idea of Ruling Chiefs being placed upon Advisory Councils which have to advise on questions of administration in British territories, I am of opinion that an Advisory Council composed of them will be very desirable in advising Government on questions relating to their policy in dealing with Native States and other questions which affect their welfare.

6. Then with reference to the presence of territorial magnates, *i. e.*, landholders of high dignity and status, upon the Imperial Advisory Council, I am of opinion that though a small minority of them may be desirable to represent their special interest, a Council in which they have the sole or predominant voice cannot be regarded as a reliable one, nor will their advice command the confidence or respect of the people. These land-holders represent only one interest. They represent the interest of a small minority. One circumstance

that has to be borne in mind in connection with them is that whatever might have been their position in the times previous to the advent of the British Government, they have not been able to maintain that position and are not now much respected by the people on account of their possessions outside the circle of their dependents and their tenantry. They have ceased to command influence among the people. It is unnecessary to dwell at length upon the reasons which have led to this result. It may be that they remained behind in profiting by the spread of education; or that a majority of them got into habits of improvidence and extravagance and sank into debts and for a long time Government were unable to see their way to devise suitable measures to extricate them from their difficulties; or that in these peaceful times there was no scope for the display of those high qualities which in previous times had brought honour, wealth and prosperity to their ancestors; or their pride prevented them from taking occupations which they did not regard as honourable and they fell into habits of laziness; or it may be that the condition of constant pupillege in which they have been kept by Government and their officers have destroyed their spirit of self-reliance and their energy and business habits have nearly disappeared. Whatever may be the reason, the present representatives of the old landed gentry of the country have ceased to be regarded as the leaders of the people.

7. Most of the representatives of the ancient landlord gentry are understood not to be able to protect their own properties and their own personal interests. Protective legislation has to be made to save them from the effect of their own foolish acts. The class is behind the rest of the country in education saving a few honourable exceptions. Most of these landed proprietors are so much under the influence of the Collectors or other officers who exercise supervision over them and these officers are vested with such large and general powers over them that very few of them would dare do anything which does not meet with their approval. Under these circumstances I am of opinion that representatives chosen out of this class are not likely to have ability, information and courage to be the exponents of the views of the people, nor will the people feel any respect or confidence in the advice that they give to Government in connection with their affairs.

8. I shall now state how according to my ideas an Advisory Council ought to be constituted. It ought to be elected. The men who form the Advisory Council must certainly be persons in whom the people at large have confidence. If Councillors are to be appointed irrespective of the wishes of the people, it makes no difference to them whether such Advisory Council exists or not. As it would be optional with Government whether to act upon the advice of the Council or not, I think there will be no harm if the whole body is elected. But if Government wish that some of the members of the Council may be nominated, the different Provincial Governments between themselves may be permitted to nominate Councillors equal to one-third of the total number.

9. Under this scheme I would propose 14 advisors on behalf of this province:—1 representative of the City of Bombay, 3 representatives of the urban population of the Mofussil, 4 representatives of the rural population of the Mofussil, 1 representative of the European merchants, 1 representative of the Indian merchants, 1 representative of the mill-owners of the province, 2 representatives of the educated and professional classes consisting of University graduates of a certain standing, and 1 representative of the zamindar or landlord class. The number of the representatives of the other provinces should be fixed by reference to their population, education, wealth and contribution to the public revenue and the representation should be on the above lines.

10. I agree with the proposal that the members of the Imperial Advisory Council should hold office for a term of about five years and be eligible for re-appointment. Its functions may be purely consultative, but Government should not carry out any measure which meets with the disapproval of more than three-fourths of its numbers.

11. As regards the form of consultation Government may consult the members individually or collectively; but when there is any collective con-

sultation, unless when there is any special reason to the contrary, the consultation should be open and public. If the consultation is public, members will feel a greater sense of their responsibility and are likely to bring more care and attention to bear on the questions that are the subject-matter of consultation. Views privately given would be deserving of much less weight, as in such cases there would be more room for intrigue and private considerations are more likely to influence them more than when they are given collectively and openly.

12. In connection with the question of the Imperial Advisory Council I have one more remark to make. When a particular interest is to be represented in the Advisory Council, the electorate that has to make the election should not be restricted to select its representative out of its own body, but may be permitted to go outside the body for the selection. Education has not sufficiently advanced in India and it may very often happen that there may be no one among the persons representing that interest who would be able to command their confidence and competent to discuss and advise on important public questions from the standpoint of that interest. Under such circumstances it would be a great injustice to the body to force it to elect as its representative a person whom it does not regard sufficiently competent to voice its opinions and its feelings or in whom it has not sufficient confidence. The interest itself ought to be the best judge whether it ought to be represented by one of its own body or an outsider; and when the interest itself feels that an outsider is necessary, that it should be represented by an outsider, there should be nothing to prevent it from being represented in that manner.

13. With reference to the question of the Provincial Advisory Councils no useful observations can be made unless a scheme has been framed and presented for discussion, but no such scheme is formulated. The scheme should define the approximate number of the members and the number to be taken from each of the different interests. I think in this Council each district ought to be represented in addition to the representation of each important interest. The remarks I have made in connection with the Imperial Council, that the members should be elected, that interests may be allowed to be represented by outsiders, and that the consultations should be open and public, apply also to the Provincial Councils.

14. Proceeding next to the question of the enlargement of the Legislative Councils, Imperial as well as Provincial, it will be noted that the letter of the Secretary to the Government of India views with disapproval at the number of Pleaders and Barristers that have been returned by the District Boards and the District Municipalities; it states that the existing elective system has signally failed to represent other important elements of the community, and it seeks to provide a counterprise for the prominence enjoyed by the educated classes by creating an additional electorate recruited from the landed and moneyed classes.

15. The people of the country, on the other hand, look at this question from a different standpoint. The higher offices of the public service of this country are filled by gentlmen of the highest ability and education and the official side in the Legislative Councils is represented by the ablest, the cleverest and the most experienced officers out of the service. Most of the questions that come before the Legislative Councils affect the people generally and there are very few matters in which the interests of one section of the community conflict with those of another. Differences of interests between the persons following different trades and occupations have not yet become so emphasised as to create a desire for the representation of any particular interest as apart from the interest of the whole community. Under these circumstances it is nothing unusual if the voters of the District Boards and Municipal Boards do not prefer to choose a comparatively uneducated agriculturist or a trader for their representative in the Legislative Council, but choose in his stead a person who is as near as possible in ability, information and skill to the official representatives of Government in the Legislative Council. I am unable to understand why Government should feel disappointed at this result. It would be most undesirable that while on the one hand the measures of Government are supported by the best intelligence and ability available, they should be ineffec-

tually criticised owing to inexperience, want of sufficient education, knowledge and skill on the part of the non-official members.

16. There is another point which it is necessary to note. The lawyers in India is not a separate class who have to watch the interests of their class which are different from the interests of the land-holding, commercial and agricultural communities. They come out of all classes of the people, big and small land-holders, merchants, manufacturers and agriculturists. Many of them belong to and represent the moneyed classes. In India education has not yet spread so widely as to permeate through all the sections of the society. All classes do not get opportunities to be trained in and habituated to the discussions of public questions. They wish that their wants and views should be brought to the notice of Government. Feeling themselves unable to do so they wish to be represented by persons who are able to do this better than themselves. The circumstance that in the election by the District Boards and the District Municipalities the lawyers are preferred cannot really be attributed to the fact of their having as lawyers any particular influence, but because most of the electors understand that they are better qualified to act as the exponents of their wants and wishes than persons chosen from any other class of the community.

17. I understand that Government preclude from discussion the question whether there should be or should not be a standing official majority in the Imperial and Provincial Legislative Councils, and I therefore refrain myself from expressing my views on it.

18. In the scheme formulated by the Government of India out of 26 non-official members 2 are experts to be nominated by the Viceroy for special purposes when necessary and 1 is a Ruling Chief who has no interest whatever involved in the work of the Legislative Council. Of the remaining 23, 16 members are proposed to represent minorities, the 2 members of the Chambers of Commerce of Calcutta and Bombay represent the non-official European community, 7 are to represent the nobles and the great land-owners, 2 are Mahomedans and 4 are to be specially nominated by the Viceroy to represent minorities or special interests. The only persons who may to some extent be said to represent the population of 250 millions would be the 7 persons who are returned by the non-official members of the Provincial Councils. I submit that a representation of 7 out of 54 given to the people of the country is most inadequate. I think that in a Council of 54 there should be at least 20 representatives of the people at large. I think the Municipal Corporations of the Cities of Calcutta, Bombay and Madras should be allowed each to elect a member; the agricultural classes through the District Boards should be allowed to elect 1 member for each province; the professional and educational classes of each province should be allowed to elect 1 member and Indian merchants and manufacturers where they have formed themselves into associations should be allowed to elect 1 member.

19. As regards the class of great land-holders I have already expressed my views. They would not necessarliy represent the class of small land-holders; in several respects their interests do not coincide. When 7 out of 23 seats are reserved for the large land-holders' class, the representation of this class would be disproportionately high when compared with that of the other sections of the community.

20. With reference to the special representation of the Mahomedan community I do not propose to offer any observations here. In connection with the question of the expansion of the Provincial Legislative Council I wish to offer a few remarks on the policy of the representation by castes and creeds.

21. In connection with the question of the Provincial Legislative Councils I submit that it would be inadvisable to require any special qualification for the members of the Council. If any appreciable difference be made between the pecuniary qualifications of the voters and the candidates, there may be a fear of gentlemen, otherwise the best eligible and who command the highest confidence of the people being shut out. The electors' field of election should not in any way be narrowed.

22. I beg next to submit that it would be most undesirable if elements of race, caste or religion are allowed to enter into the election of members of the Provincial Legislative Council. Questions in which the race, caste or religious interests of the different communities clash with each other rarely come before Legislative Councils. As things now stand the members of different creeds and race hardly think of their difference in this matter and harmoniously work towards the attainment of common good. At the time of making an election caste and race distinctions are altogether left aside and what is in the mind of electors when voting at an election is generally who is best qualified to advocate their cause. If elections are made on caste, race and creed basis, the spirit of harmony and toleration will be lost and that of narrowness and caste and race jealousies will be introduced. Persons would be elected on account of race and creed considerations irrespective of the question whether they are best suited in helping Government on Legislative questions.

23. I further submit that the proposal in respect of District Boards of assigning and distributing seats to be filled by election among occupational groups and of selecting certain castes as representing each group appears to me open to the most serious objections. Apart from the question that it would considerably increase the spirit of dissension and quarrelling, this proposal must raise difficult and complicated questions of administration, would tend to promote intrigues among the officers of Government, and would increase difficulties in the work of Government. Again, when Government have no objection to allow the Mahomedans to vote as a body, it is unjust that a different rule should be applied to Hindus and they should be prevented from voting as a body, but they should be permitted to vote by occupational sections in such a way that the landlord section should vote for a landlord only, the agriculturist for an agriculturist only, and the trader for a trader only. If Government feel that occupational interests are not properly represented, the best remedy is to concentrate the interests and not to split them in such a way that there would be occupational interests on one side and the creed interests on the other. So far as the administration is concerned, the needs of an agriculturist would be the same whether he is a Hindu or a Mahomedan and the needs of a trader would be the same whether he is a Hindu or a Mahomedan, but according to the proposal made the Mahomedan agriculturist is prevented from joining hands with his Hindu brethren in electing a man who best advocates the agriculturist interests and in the same way about the other interests. If Government consider that there should be occupational representations I submit that in the present condition of education in the country Government will not consider it proper to restrict them to elect out of their own class or occupation, but leave them liberty to select any person in whom they may have confidence.

24. I am of opinion that the Provincial Legislative Council may now be expanded by allowing each district to send a representative instead of each of the divisions sending one. Under the present conditions the members that represent the different divisions have not full knowledge of the wants and needs of each of the districts that they represent. I also think that the Mill-owners' Association who represent a very important industry should be allowed to elect one representative. I think the different associations of Indian merchants such as the Piece-goods Merchants' Association and the Rice Merchants' Association, etc., should between them be allowed to elect one representative and that an electorate composed of graduates of a particular standing be constituted to elect a member representing the educated classes.

25. In connection with the budget the letter remarks that the discussion is of a discursive and unfruitful character; but so long as the Council has to discuss a budget which has actually been sanctioned and which cannot be altered and when the members have no right to move amendments, the present condition of things must continue. I suggest, however, that if preliminary to the submission of the budget to the Government of India for sanction there is an informal conference between the Member of Government who is in charge of the budget and the non-official members and the non-official members are permitted to move one or two amendments subject to a time limit which Government may fix, the discussion is likely to be more pointed and useful.

26. In connection with interpellations I think it would be desirable if Government were to form rules for publishing their replies to questions sent to them by non-official members, say, every two months when the Council is not sitting.

27. After the success of the experiments of local self-government and the reformed Legislative Councils that came into existence in 1893, the people of this country expected that the new schemes will be progressive, but they feel much disappointed, and I think the public are justified in regarding that the schemes that are proposed will have the effect of rather carrying the country backward instead of carrying it forward.

I have the honour to be,
Sir,
Your most obedient servant,
GOKULDAS K. PAREKH.

Indian Merchants' Chamber and Bureau.

THE INDIAN MERCHANTS' CHAMBER AND BUREAU,
77—79, APOLLO STREET:
Bombay, 10th December 1907.

From—Mr. MUNMOHANDAS RAMJI,
Chairman, "The Indian Merchants' Chamber and Bureau," Bombay;

To—R. E. ENTHOVEN, Esq., I. C. S.,
Acting Secretary, General Department of the Government of Bombay.

Dear Sir,

The attention of the Committee of my Chamber and Bureau having been drawn to the Circular letter of the Government of India, dated 26th August 1907, it was resolved, in view of the advisability of the Indian mercantile interests of this great city being properly represented in the Councils of the Empire, to ascertain the views of the following leading Associations which severally represent these interests, *viz.*:—

(1) The Bombay Native Piece-goods Merchants' Association.
(2) The Grain Merchants' Association.
(3) The Diamond Merchants' Association.
(4) The Bombay Cotton Exchange Company, Limited.

These were accordingly addressed on the subject, as will be more particularly seen from the annexed copy of the letter forwarded to them.

On receipt of the replies of the aforementioned bodies (copies of which are also annexed), my Committee proceeded to consider the proposal adumbrated for the expansion of the Legislative Councils in the Circular letter of 26th August 1907, and resolved that the following representation be made to the Government of India through your Government.

Having regard to the fact that Indian mercantile men form an important and integral factor of the British Indian Empire, and that their interests are paramount in the economic condition of the country, my Committee earnestly hope that the representation will receive a sympathetic and favourable consideration at the hands of His Excellency the Viceroy and Governor General in Council.

It appears from the Circular letter that it is proposed to allot two seats in the Imperial Legislative Council to mercantile interests, which are to be filled by representatives from the Bombay and Bengal Chambers of Commerce.

My Committee view with deep regret this proposal because, as they respectfully beg to point out, it will entirely leave out of account the large interests of

the great Native Mercantile Community of India, and especially of Bombay. My Committee are sure that it cannot be the intention of the Government to ignore altogether such interests, which are equal to, if not superior to, the interests of the European mercantile members of Bengal and Bombay.

Without, in any way, deprecating the claims of these, my Committee beg to point out that Indian mercantile interests have an equal claim to be adequately and properly represented on the proposed expanded Council.

The two Chambers, it may be pointed out here, are exclusively European, having perhaps not more than five or six Indian members; as a matter of fact, there is not a single Indian merchant on their Committees.

Thus those bodies cannot be said to represent even partially, let alone wholly, the enormous interests of the Indian mercantile public.

Moreover, my Committee respectfully urge that the interests of the Indian merchants are sometimes not identical with, but opposed to, those of the European merchants.

The two are sometimes in conflict, for, while the European members look at matters from their own point of view, the Indians find them prejudicial.

Such being the actual state of affairs, my Committee wish to press upon the attention of the Government the extreme importance of recognizing Indian mercantile interests, side by side with European. To ignore the claims of the former would not only be unfair, but would prove a great bar in the way of the Government in gaining a proper knowledge about the views and feelings of such a large and important class. The denial of their claims would be opposed to the liberal spirit of the policy of the Government, so long maintained and so often publicly declared, namely, equal rights to all classes of His Majesty's subjects.

If all large interests are to be seriously considered and recognized, then my Committee are strongly of opinion that the interests of so important a body as Indian merchants could not be ignored.

From the annexed papers it will be seen that the annual turnover of commerce in the hands of Indian merchants amounts to forty crores of rupees, a figure which represents about one-third part of the trade of the Bombay Presidency. The total aggregate of members of all the commercial bodies is twelve hundred, which is no mean index of the importance and strength of leading Indian merchants of Bombay. For the reasons set forth above, my Chamber respectfully pray that His Excellency the Viceroy and Governor General in Council will favourably consider this representation, emanating from a truly representative body of Indian merchants and recognize their claim for at least one seat on the proposed expanded Council of the Empire.

In conclusion, I beg to state that, though this representation relates primarily to the expansion of the Imperial Legislative Council, it applies with still greater force to the scheme of the expansion of the Bombay Provincial Council, to which body Indian merchants of Bombay have a very strong right of sending representatives on account of the preponderance of their interests in this Presidency.

I beg to remain,
Sir,
Your most obedient servant,

MUNMOHUNDAS RAMJI,
Chairman.

PURSHOTAMDAS THAKURDAS,
Vice-Chairman.

JAYASUKHLAL KRISHNALAL MEHTA,
Secretary.

APPENDICES.

(Copy of letter sent by the Indian Merchants' Chamber and Bureau to several leading Indian Mercantile Associations of Bombay.)

77—79, Apollo Street :

Bombay, dated 20th September 1907.

From—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay ;

To—The Chairman (name of the Association).

Dear Sir,

You are no doubt aware of the scheme of the expansion of the Legislative Councils, recently published by the Government of India for the consideration and suggestions of the public. A copy of the State Despatch on the subject is herewith enclosed for your information. As the Committee of this Chamber are about to submit their representation on the subject, namely, on the great desirability of representing the vast Native commercial and trading interests on the proposed Legislative Councils, I am directed to state that the Committee will be glad to know the wishes of your Association on the matter.

An early answer will greatly oblige.

I beg to remain,
Sir,
Your most obedient servant,

Jayasukhlal Krishnalal Mehta,
Secretary.

No. 292 of 1906-07.

BOMBAY NATIVE PIECE-GOODS MERCHANTS' ASSOCIATION.

Shet Mulji Jetha's Cloth Market Hall :

Bombay, 11th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter of 20th September 1907 was duly considered by our Committee, who have directed us to reply as follows.

The Bombay Native Piece-goods Merchants' Association is in full sympathy with the views of your Chamber in the matter of the proposed representation of important mercantile interests adumbrated in the Circular letter of the Government of India.

The Committee think that it is absolutely essential that the Association which have the largest piece-goods interests in this Presidency should have its representative on the proposed Legislative Council. It is only fair that, when European Chambers are to be allowed the privilege of such representation, the interests, not only of the Piece-goods Association, but also of the Cotton Exchange Association, the Grain Merchants' Association, the Diamond Merchants' Association, should have either the right of sending their respective representatives or should be represented by so influential a body as your own Chamber.

It may be of some interest to your Chamber, while sending the proposed representation to the Government, to know that our Association alone has four hundred members, all leading Native merchants dealing in piece-goods whose imported value yearly averages ten crores.

We trust, therefore, that if each individual interest referred to cannot have a seat, at any rate your Chamber, as representing all those interests, should certainly be enfranchised for the proposed expanded Council.

Your faithfully,

ગીરધરદાસ જેઠાભાઇ,

i. e., GIRDHARDAS JAITHABHAI,

DHARAMSI HEMRAJ,

Honorary Joint Secretaries.

No. 252.

THE GRAIN MERCHANTS' ASSOCIATION.

2057, MUSJID BUNDER ROAD :
Bombay, 19th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter of the 20th September 1907 was duly considered by our Committee, who have directed me to reply as follows.

The Grain Merchants' Association is in full sympathy with the views of your Chamber in the matter of the proposed representation of important mercantile interests adumbrated in the Circular letter of the Government of India of 26th August 1907.

The Committee think that it is absolutely essential that the Association, which have the largest grain interests in the Presidency, should have its representative on the proposed Legislative Council. It is only fair that, when European Chambers are to be allowed the privilege of such representation, the interests, not only of the Grain Merchants' Association, but also of the Bombay Native Piece-goods Merchants' Association, the Cotton Exchange Association, should have either the right of sending their respective representatives or should be represented by so influential a body as your own Chamber.

It may be of some interest to your Chamber, while sending the proposed representation to the Government, to know that our Association alone have 500 members, all leading Native grain merchants' whose yearly turnover averages twelve crores of rupees.

We trust, therefore, that if each individual interest referred to cannot have a seat, at any rate your Chamber, as representing all these interests, should certainly be enfranchised for the proposed expanded Council.

I have the honour to be,

Sir,

Your most obedient servant,

LALSHANKAR HARPRASAD,

Secretary.

THE BOMBAY COTTON EXCHANGE COMPANY, LIMITED.

391-A, COLABA :
Bombay, 3rd October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter, dated 20th ultimo, to the address of the President of the Cotton Exchange, was laid before the Board of Directors held on the 28th ultimo, and I am directed to state in reply that our Association approves of your idea of, and accords its support to, submitting a representation to Government on the

subject of the great desirability of representing the vast Indian commercial interests on the proposed enlarged Legislative Councils, thus putting our Indian Chamber on an equal footing with the European Chamber of Commerce.

I beg to remain,
Dear Sir,
Your most obedient servant,

BOMANJEE S. MISTRI,
Secretary.

THE BOMBAY COTTON EXCHANGE COMPANY, LIMITED.

391-A, COLABA :
Bombay, 21st October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

In reply to your letter of 11th instant, I am instructed to say that our Company represents, besides the Indian section of local cotton merchants, the interests of local mills, too, in the cotton trade. The number of members of our Association is 88 (subject to variation from time to time) and their annual average turnover exceeds 15 crores.

I beg to remain,
Dear Sir,
Your most obedient servant,

BOMANJEE S. MISTRI,
Secretary.

THE BOMBAY DIAMOND MERCHANTS' ASSOCIATION.

JHAVERI BAZAR, KHARAKUVA :
Bombay, 7th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

I beg to acknowledge the receipt of your kind favour, dated 20th ultimo, and note the contents fully. The letter was placed before the meeting of the members of this Association held on the 6th instant, and I am directed to inform you that this Association accords with the movement of the Committee, and thinks it essential to submit a representation on the proposed Legislative Councils through which the needs and sentiments of the vast commercial community can be well expressed.

I, on behalf of the Association, quite agree to what the Committee of the Indian Merchants' Chamber decide in respect of representation.

Wishing a success to the representation.

Yours faithfully,

REVASHANKAR JAGJIVAN,
Honorary Secretary.

Bombay Presidency Trades Association.

BOMBAY PRESIDENCY TRADES ASSOCIATION, LIMITED.
29, ESPLANADE ROAD, FORT,
Bombay, 23rd December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,—I have the honour to enclose a petition to His Excellency the Governor in Council and shall be much obliged if you will be good enough to submit the same at as early a date as convenient.

I have, etc.,
H. GREGORY HYDE,
Master,
Bombay Presidency Trades Association, Limited.

To—The Right Hon'ble Sir GEORGE SYDENHAM CLARKE, G.C.M.G., G.C.I.E., etc., etc.,
Governor of Bombay and President in Council.

The humble Petition of the Bombay Presidency Trades Association, Limited, of Bombay,

Sheweth as follows:—

1. The Association is a body duly incorporated under the provisions of the Indian Companies Act, 1882.

2. Its 35 members have invested, roughly, nearly a crore of rupees in their several businesses, and employ a very considerable number of high class assistants on high salaries, and contribute largely to the Imperial and local taxes and revenue.

3. The purposes for which the Association has been formed, and which it steadily keeps in view are, as stated in its Memorandum of Association (amongst other things), the following:—

(*a*) To promote, consider, watch over and safeguard the interests, general or particular, of the trading community of the Bombay Presidency;

(*b*) To consider or watch any Legislative or other measures affecting trade and, if deemed advisable, to address Government with respect thereto; and

(*c*) To collect and circulate statistics and other information relating to trade.

4. It is, therefore, submitted that the Association occupies an important position in the trading world, and makes it an important factor to be dealt with.

5. Government have frequently asked for, and obtained and acted on its views and opinions on points of administration in relation to the Customs and other departments of the State, and also in regard to matters for the time being pending in the Legislative Council. The Association is also from time to time furnished by Government with Particulars of the business to be transacted at the meetings of the Council and with copies of the questions to be asked thereat.

6. The interests of the Association are, moreover, naturally bound up with all that pertains to the welfare and prosperity of the city, and in particular with its expansion and improvement on the lines sketched by Government in a recent communication to several of the local authorities. The members of the Association being also large importers of goods and merchandise, they are deeply interested in the success of the trade of the port, and the extension and improvement of the Docks and other works and in everything that facilitates transit by railway and other means of communication.

7. As it is understood that Your Excellency's Council is about to be enlarged with a view to strengthening it with the advice and counsel of representatives of the different classes of the population of the Presidency, the Association

beg to urge that the election to it of a representative of the Association whose knowledge and great business experience of trade requirements and matters in general could not fail to be of the greatest advantage to Government and the public at large.

8. A member of the Trades Association of Calcutta has a seat in the Council of His Excellency the Lieutenant-Governor of Bengal.

The Association therefore prays that Your Excellency in Council will be pleased to favourably entertain their request that a seat on the Council may be reserved for at least one of the members (nominees) of the Association.

And the Association as in duty bound shall ever pray, etc.

The seal of the Bombay Presidency Trades Association, Limited, was on the 23rd day of December 1907 hereunto affixed in the presence of—

H. Gregory Hyde,
Master.

Mr. Bomanji Ardeshir Dalal.

Rustumpura, Panch Mahâls, 28th December 1907.

From—Bomanji Ardeshir Dalal, Esq.;

To—The Secretary to Government, General Department.

I have the honour to acknowledge receipt of a copy of Government Resolution No. 6533, General Department, dated 31st October last, regarding the enlargement of Legislative Councils forwarded to me for information and opinion on the 16th instant.

In reply I respectfully beg to express my complete accord with the principle laid down in the letter from the Government of India annexed thereto (Nos. 2310—2317), *viz.*, that no "scheme of constitutional reform would meet the real requirement of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of moderate men, who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence." Hitherto the so-called educated clasess consisting mostly of lawyers have professed to voice the needs and sentiments of the masses and have in a majority of cases pressed upon Government their own views in the name of the masses. But their stake in the welfare of the country is but small compared with that of the landowning and commercial classes who are better qualified to speak in the name of the masses and to give expression to their feelings and aspirations.

It is therefore desirable on the part of Government to give these classes wider opportunities of expressing their views on administrative matters without exposing them to the rough and trouble ordeal of an electoral struggle with men who in many cases are socially their inferiors. I would go further and say that those classes have a right to be called upon to render a larger measure of assistance to the Executive Government than they at present have opportunities of doing.

As regards the Ruling Chiefs I am humbly of opinion that they should not be, as a rule, called upon to meddle in matters affecting British India. The assistance of some of the more enlightened and progressive Chiefs may on very rare occasions be sought with advantage by Government. They should, however,

be allowed a larger scope on the administration of the affairs of their own States.

With the above exception the proposals outlined by the Government regarding the constitution of Advisory Councils will, if carried out, result in making a considerable advance in the direction of bringing all classes of people into closer relation with the Government and its officers.

As regards representation of classes and interest in His Excellency the Governor General's Legislative Council, I humbly submit that it would be invidious to give any special representation to any particular community. The ablest and the most respected leaders of Native opinion, to whatever community they may belong, ought rather to be invited to take part in the Legislative Council.

With regard to the elected members of the Provincial Councils the qualifications required both for electors and candidates need to be raised rather than that representation should be based on race, caste or religion.

The Universities and other educated and experienced bodies might be given a larger share in the election of candidates, to the Provincial Legislative Councils, and so too some of the leading Native Chambers of Commerce and Merchants' Association and leading landholders might have a right to send representatives to these Councils.

Mr. Ram Mohunroy Jaswantrai Desai, Inámdár of Vintoj, Hálol, in the Panch Maháls District.

To—The Secretary, Government of Bombay.

Sir,

I have the honour most respectfully to submit for the kind consideration of Government the following few suggestions on the draft scheme about the proposed Imperial and Provincial Advisory and the expansion of the Imperial and Provincial Legislative Councils, placed before the public in or about August last.

It could not but have given great satisfaction to all thoughtful Indians to see that time has arrived when Government consider it right to take a step forward as regards educating and associating the people in the governing of the country. The draft scheme in its language and tone bespeaks great earnestness and anxiety for the well-being of the masses; and a noble resolve to invigorate weak spots in the methods of carrying on Government permeats the whole spirit of it.

There seems to be, however, an apparent conflict between generosity and responsibility, and if the latter has to some extent won, it must be admitted to be due to the fact that Government, who have very guardedly to pilot the ship of state through inter-actions, reactions and counteractions of party strifes and race rivalries, can surely hold themselves justified in feeling their way very cautiously. When the recent doings in some parts of British India, which may be real signs of a national awakening, as is claimed for them, are causing grave uneasiness and heart-burnings in the Congress camp itself, it cannot be wondered that Government do not look on them with favour. The draft scheme therefore deserves all praise, and coming as it does in the wake of a period of disorder proves conclusively that the confidence of Government in the faithfulness of the nation remains unshaken. To the Indians themselves loyalty to the British Throne and trust in the righteousness of the British Rule are become a part of their life-creed, whatever differences of opinion may exist between them and Government as regards individual measures and policies. The *Pax Britannica* is come to be as indispensable to them as the bread and water by which men live.

2. It would undoubtedly have rejoiced the people to see in these Councils assemblies carrying on certain functions of Government, entrusted in the beginning to deal with some such matters as public charities, private trusts

religious and social questions, and Municipal and District Local Boards control, etc., and proceeding on—if they deserved the confidence—to the guidance of railways, irrigation and other public works, etc., matters which could have been entrusted as an experimental measure to them without great detriment to the prestige or power of Government, the circle of their jurisdiction with great care gradually being widened.

But this grant of the consultative bodies, etc., comes at a time when Government believe themselves justified in bringing into force measures which have been thought to be repressive and reactionary in their nature and it is therefore a matter for congratulation that India gets even so much. It now remains for the people to deserve the great trust and to act so as to win the regards of Government, without which their self-expression, however promising, will certainly remain barren. Unless and until the country in its large majorities is able to secure their good-will and trust, Government will most probably deem it their duty to maintain the policy put forth in Mr. Morley's dictum that—in these Councils official majority must preponderate.

The Legislative Councils under the proposed scheme of expansion being as they will be governed to some extent by the elective franchise, and the Councils of Notables being declared to be purely advisory bodies, with no legislative or administrative powers and no functional obligations, the principle of nomination, which Government are putting on a re-trial, but this time on a grander scale, should be welcomed by the nation in all fairness.

I beg leave humbly to submit that nomination, if it brings together really representative men, would be superior to the present syetem of election which —although noble and exalted in theory—is in actual practice, as has aptly been remarked in the draft scheme, often disgusting and degrading; the notoriously selfish and vulgar contests of election campaigns deterring many a man, good and able, from going in for the membership.

Thus although nomination in governing the constitution of Advisory Councils can do an amount of good, there is one factor in the practice thereof which, if not guarded against, may render the remedy worse than the evil. The power of making selections which rests absolutely with Government will be exercised by its officials. These gentlemen, however just and capable, are likely occasionally to be carried away as human beings by prejudices or predispositions in mistaking reasonable opposition for selfish obstinacy. The inefficiency of nominated members is hence a baneful factor to be earnestly watched and closely guarded against. And therefore as a remedy, I beg respectfully to submit, Government will do well now and again to bring pertinently to the notice of the officers its earnest desire of elucidating true public opinion and making these nominations as prefectly representative as possible; as the principles of election and nomination will be working side by side, one in the Legislative and the other in the Advisory Councils, the latter will have to receive very careful attention and conscientious handling in order to prove its thorough success. For, otherwise, this great endowment of Gevernment will remain simply fruitless.

Nomination has one important advantage over election, and it is this: in the latter any person, of whatever capacity, can get in, by hook or by crook, who manages to secure a majority of votes; while under the former Government can send in really representative and experienced men, which, if practised in a majority of instances, cannot fail to obtain for the Councils and membership the very highest regards due to their position.

3. I beg leave now respectfully to propose the way in which the membership of the Provincial and Imperial Advisory Councils should in my humble opinion be distributed. Inasmuch as full Councils are only occasionally to be called, but ordinarily members individually, in Committees, or by Circular are to be consulted, they would have become much more representative and not unwieldy, had the limit of membership been extended to 100, instead of being as at present proposed to be confined to 60. The membership in the Provincial Councils could then have been raised to 50 or 60 without any great inconvenience

and disregard to the principle of proportion. But as it is, that for the Imperial being fixed at 60, I would respectfully submit that the number of members for the Provincial Council be 35, the distribution of seats being made on about the lines herein suggested :—

The Provincial Advisory Council.

I. 5—among Native Chiefs and administrators as well as great territorial magnates; this class may include ministers and Diwáns of Native States also.

II. 5
- 2—among petty land-owners and zamindárs, paying Government assessment of about Rs. 100 per annum; it is this middle class of watandárs that is in close and direct touch with the masses, having to carry on most of its affairs through its representative men; and not the great landed nobles whose estates, etc., are managed almost entirely by their kárbháris and agents.
- 3—among merchants, manufacturers, miners, planters and artizan classes, etc.; the advantage of ascertaining their views on certain governmental measures cannot be valued too highly.

III. 5—among retired Government and Native States officers, who are bound to be experienced and capable and have grown grey with age and respect among the people. They are sure to be a real help to Government, having been much more in touch with the administrative methods and workings than any other classes.

IV. 5
- 3—among Native Presidents and members of Municipalities.
- 2—among Native members of District Local Boards.

V. 5
- 2—among Fellows of the Universities, 1 being reserved for the Vice-Chancellor *ex officio*, and 1 for Native fellows.
- 1—among the President and members of the local Chamber of Commerce.
- 2—among the Indian and Anglo-Indian Editors of dailies or weeklies.

The Native Press in India, however young or inexperienced, is rapidly rising to be a living force, for good or evil. It is for Government to take it by the hand and associating it with itself in the governing endow it with a new sense of responsibility. In order to keep both the sides of the balance equal the nomination of one Anglo-Indian and one Native journalist would supply a real desideratum and do permanent good. Educated India, though in small minority wields unsuspected considerable power over the masses who are bound to follow its lead as much as the body obeys the head : and the Press and the University are their most natural representatives.

Again, among the provisions made by Government in order to bring out representative men for these Councils, educational standpoint appears to be everywhere specially kept in view, though more in the case of Mahomedans than other Indians, probably because the former are a little more backward than the latter and therefore it is not necessary to enter at any length into this important question.

VI. 10—among the leaders of classes, castes and races, and their priests :—

- 4—among Hindus, including Brahmos and Sikhs, who are indigenous to particular provinces.
- 2—among Mahomedans.
- 1— „ Jains.
- 1— „ Pársis.
- 1— „ low castes and backward communities.
- 1— „ Jews, Eurasians and Native Christians.

There are at various places recognized leaders of the people, Nagar Seths, Seths of the Mahájans and communities and others, who, though not coming under any of the abovementioned heads, often exercise authority not less than, and High Priests who wield power often more potently than, Government officers even, over their respective followings. On inquiry it will soon be patent to Government that they are no negligible entity from the point of utility in the scheme under consideration.

35. Total number of members.

The Imperial Advisory Council.

I. 20—among Native Chiefs, administrators, great territorial magnates, nobles, ministers and Diwáns of Native States. His Excellency Lord Lytton's noble scheme of making Native Princes Imperial Councillors and associating them in the governing of the country, which being perhaps in advance of the times, has remained so long on paper, gets a new lease of life under this provision and will surely have better opportunities of justifying its conception. Native Princes, coming as they will in closer touch with Government, and feeling greatly the responsibility laid on them, will begin to think and act more freely, more earnestly for themselves; Native States also may be the gainers by their rulers viewing and reviewing the principles and practice in all their *pros* and *cons*, which they will be called upon to discuss, relating to and current in British territories and ending as a natural consequence in adapting the same to the requirements of their subject-peoples. But there are a couple of possible drawbacks to the thorough success of this portion of the scheme, which will have to be looked to; what Government wish for would certainly be independent opinion about any question referred to by them, and it is also very likely that Native Chiefs would prefer, from the peculiar nature of their relations with Residents and Political Agents, to have the fewest differences possible from the latter in material points. Government will therefore have to request these officials to maintain strictly a policy of non-interference as regards Council matters; otherwise there may be, it is to be feared, little chance of getting healthy and independent criticism from these noble councillors. Again, the discussions carried on in the same assembly among members consisting of men, of all sorts and conditions, coming from ruling dynasties and from the classes and the masses, and having and enjoying an apparent equality of membership, are certain ultimately to lessen appreciably the high respect in which the latter hold the former. The institution of two separate Chambers would probably do away with this difficulty.

II. 14—among the Provincial Advisory Councils, two from each (7 × 2), making in all 14.

III. 26
- 10—among the leaders of classes and races and High Priests.
  - 4—among Hindus.
  - 2 „ Mahomedans.
  - 1 „ Jains.
  - 1 „ Pársis.
  - 1 „ low and backward castes.
  - 1 „ Jews, Eurasians, and Native Christians.
- 5—among the Native Fellows of Universities, each sending one member.
- 3—among retired Government or Native States officers.
- 2—among the members of the Chambers of Commerce, Bombay and Calcutta, sending one each.
- 2—among the Anglo-Indian and Indian Editors, one each.
- 2—merchants, etc., and the smaller zamindárs, one each.
- 2—among the members of municipalities.

[The suggestions as regards Division I apply with equal force to those (Division I) for the Provincial Advisory Council.]

60 Total number of membership.

4. *The proposed expansion of the Legislative Councils.*—In this part of the scheme there are to be met with some praiseworthy additions, and representation will probably be the gainer by elections being conducted along the lines suggested therein; but it is respectfully submitted that, as in the case of nominations, it would be but fair to give the principle of election the fullest possible scope; and therefore to election should be allotted all the non-official places Government could spare. For, instead of, as in the case of Provincial Legislative Council, Government *nominating* voters after consultation with Panchâyats, etc., it would perhaps be better to give elective franchise to certain specified bodies and to ask them to *elect* their own voters.

Place should also be made for the elected representatives of the Universities, of merchants, etc., and also for those of the smaller landed gentry.

Some places being reserved for Mahomedans, it would be more in the fitness of things that those for other communities should also be created in proportion.

Inasmuch as Government have been pleased to come out with a definite and carefully thought out plan as regards the constituency of these Councils and as all such schemes, coming from whatever quarters, must be experimental in their nature, it would be the best that the measure which must have emanated as a result of expert opinion should first receive a fair trial. It is therefore unnecessary, I humbly beg to state, to enter here into minute details as regards it.

5. The plan suggested for crippling lengthy debates by making them follow consultations, it is sincerely to be hoped, will work real and substantial good. In such matters as these the committee is invariably superior to the Senate and often better state of things is brought about round a table than on the chamber floor. The interchange of views and consultative deliberations which will precede Council debates are sure to recompense the loss of time occasioned by the introduction of this system of prior conferences.

6. I now am coming to a point, I fear, on which Government seem definitely to have made up their mind and probably on strong grounds, and so the less said about it the better it would be. But I will try to put the matter before Government as shortly and respectfully as I can, which I believe to be highly essential, because I fear that Government may be liable to misrepresentation as regards its present action or in future be possibly involved in heated controversies about the subject.

The question I mean is that of making race distinctions. I would be the last person to grudge Government's taking by the hand of Mahomedans who are a very backward community at present, and whose forefathers even in the beginning of the last century divided with Bráhmans almost a monopoly of official places and patronage. They are a noble, generous and intelligent race, and as the state of things brought about is really deplorable, Government could surely see some other way to facilitate their advance; but to go back upon race distinctions and creed patronage, which are abandoned everywhere in the Empire by British Government, may perhaps be re-actionary as to its possible effects.

Looked upon from a historical standpoint the plea does not seem to hold ground. Canada and the United States and the recent Governments of Orangia and Transvaal, not to speak of older organizations, contain mixed populations. Transvaal indeed has shown in late elections almost a reprehensible greed of race interests and yet very little, if any, fault has been found with the state of things by the Anglo-Indian Press, which is a very high authority in matters which affect all British interests throughout the world. Thus when in all other places race distinctions at least among people with equal rights and responsibilities are not thought necessary, it is most respectfully submitted, there is no reason for their introduction here also. Such distinctions will but dwarf the national, all-Indian spirit, slowly but surely coming into being, fostered by English education and British ideals.

If, however, this is a temporary measure only, to be so brought into force that the sensibility of other creeds and races may not feel the sting thereof, there can be nothing to fear from it. The one thing therefore that Government

will have to do, in order to do away with the possibility of future petitionings and race troubles, is as suggested above in clause 3, etc., to provide proportionate space for the representatives of all the chief creeds and races.

7. In conclusion, I beg, most dutifully and respectfully, to lay before Government my cordial good wishes for the success of these great measures. It will now remain for the people to realise their responsibility as regards this noble gift and to act so as to deserve well both of Government, and of their future generations for whom they will be leaving a benefitous and rich inheritance.

With heartfelt prayers to the Almighty Lord for the unqualified usefulness and success of these new schemes.

I have, etc.,

RÁM MOHUNROY JASWANTRAI DESAI,
Inámdár of Vintoj, etc.

Hálol, Panch Maháls,
dated the 3rd January 1908.

Joint Report of the Commissioners of Divisions with their Notes of Dissent.

[No. T.R.-68, dated the 10th January 1908.

From—{ J. DEC. ATKINS, Esq., I. C. S., Commissioner, N. D.,
W. DODERET, Esq., I. C. S., Commissioner, C. D.,
The Hon'ble Mr. R. P. BARROW, I. C. S., Commissioner, S. D.;

To—The Secretary to Government, General Department.

We have the honour to submit the report called for in Government Resolution No. 6533, dated the 31st October 1907.

2. We will endeavour in the first place to deal with the large body of non-official criticism—mainly destructive—of the principles underlying the proposals of the Government of India, and in the second place attempt to present to Government a constructive scheme for the two sets of Councils. We may say that as regards Advisory Councils we are not unanimous.

3. To take the Advisory Councils first, it will be observed that the main points of non-official criticism may be summarized as under :—

(*a*) The scheme does not recognize the elective principle.

(*b*) It is contended that in so far as the Imperial Council is concerned, a body composed entirely of territorial magnates will be unable to advise the Government of India as regards the varied interests appertaining to the numerous communities spread over the Indian Peninsula. It is urged that the territorial magnates are not cognisant of those varied interests, and it is more than hinted by some writers that the Indian Chiefs as a body do not possess that degree of enlightenment and education which ought to be a necessary qualification for the possession of an adviser of such an august body as the Government of India.

(*c*) It is contended that the scheme of occasional, non-collective and confidential consultation will not conduce to that healthy expression of opinion so essential in an advisor.

(*d*) It is urged that the scheme disappoints public opinion in that no power of initiative is given to the Councils.

(*e*) And finally it is claimed that such bodies should have a deciding and decisive voice in matters referred to them, provided that a large majority, generally stated at three-fourths, is unanimous on a particular question.

4. Before proceeding to deal *seriatim* with the five points noted above, we would beg leave to remark that the whole purport of the projected reform appears to have been misunderstood by non-official critics. It is assumed that it is the intention of the Government of India to call into being the germs of Parliamentary Government from which in the efflux of time the full-grown form of representative Government might be involved by enlarging the basis of

representation. As we understand the proposals, nothing more was intended than to provide Government with a readily accessible body comprising noblemen and gentlemen, representing the best opinion available in the country, who could be consulted on matters affecting the public weal.

5. With regard to (*a*) (non-recognition of the elective principle) we would take leave to remark that the objection urged against a system of nomination, namely, that the nominees would not feel at liberty to tender to Government their free and unbaissed opinion, contains within itself the most conclusive reason why a system of election to these Councils would be unsuitable in present-day conditions. For it is clear that if it be admitted that the gentlemen to be nominated by Government as being the most valued advisers in this Presidency are restrained by the very fact of such nomination from freely expressing their opinions, they and others, who would be their competitors in an election, must be generally unfitted for expressing any opinion at all, and cannot have reached that state of enlightenment when the *mode* of appointment ceases to affect the opinion of the person called into consultation. The truth is that the elective principle, an exotic of the West, is still on its trial in the East, where for centuries the opposite principle of nomination has obtained. The latter prevails in the methods adopted in selecting the principal advisers and often the subordinate public servants of Native Rulers. It prevails in the system of caste panchâyats. And finally the acknowledged apathy of the general body of electors in Local Board and petty Municipal elections indicates that the elective principle is in India little understood, except perhaps by the small body of educated men, who have taken the greatest advantage thereof.

6. With regard to the second objection we assume that it was the intention of the Government of India to constitute for their own Advisory Council a body composed of the highest in the land for consultation on large questions of policy concerning which a Ruler of a Native State would be qualified to give, as the result of his own experience in the art of governance, a valuable opinion. We are not altogether prepared to admit that the modern Indian Ruler, trained as he now is in special colleges and having acquired, in the course of travel both in the East and to the West, a broad and varied view of men and things, is not a capable adviser of the Supreme Government. And we assume that, having admitted the necessity of other interests besides that of the land-owners being directly represented in the Provincial Councils, though not in the Council of India, it is the intention of the Supreme Government to leave matters with which trade and professions are mainly concerned for discussion in local areas

7. With regard to objections (*c*) and (*d*) we regret that we have been unable to arrive at a unanimous opinion as to the functions to be required of Advisory Councils if constituted: we have accordingly recorded our opinions separately.

8. As regards (*e*) as it is not intended to create miniature Parliaments, the suggestion that a majority of ¾ths of the Council should have power to impose their wish on the Executive need not be considered further.

9. Assuming, as we understand we are entitled to do, that the scheme put forward in outline by the Government of India is purely tentative, that frank criticism of details is desired, and that the principle of neither portion of the scheme has been so definitely decided upon as to preclude our questioning its suitability, we would respectfully express the opinion that the Advisory Council, and more especially the Provincial Advisory Council, is not unlikely to exasperate the educated classes and those who claim to be their representatives, as professing to embody a concession which, when examined, will be found to concede no more than is already enjoyed, that it is not required by present-day needs and that it may conceivably prove a source of weakness to Government.

10. As we understand the scheme, it provides for the constitution of a Council the members of which will be consulted, occasionally collectively, but more frequently individually, on a few points with regard to which Government desire to be informed of the opinions and wishes of the people. The Council will have neither power of initiation nor even permission to suggest, of its own motion, measures of improvement or reform for the consideration of Government. When consulted in session its deliberation will be presided over by one

of the high officials of State, and in that case it will of course be afforded an opportunity of ascertaining the motives and intentions of Government with regard to the particular subject under discussion. When, however, the consultation is individual—that is to say, in what will probably be the majority of cases—and its results are treated as confidential, the members of the Council, who are apparently to be provided with no machinery for obtaining information, will have no more knowledge of the motives of Government than any intelligent reader of the public journals may acquire for himself. We would with deference submit that since there is no small probability of the general meetings of the Council being of rare occurrence there is no small risk of its members being unable to perform the second, and not perhaps the least important, of the two functions required of the Council.

11. We would take leave to represent our respectful conviction that a formally constituted Advisory Council will furnish Government with no more capable advisers on general questions than are now at their disposal. The Council can be formed only from that very class of loyal, substantial and well informed men whom Government even now, either directly or through the medium of their district officers, consult before undertaking important measures, and we are unable to discover the probability of any material advantage to the State accruing from the process which the Government of India have described as giving "clear definition and continuity to methods already partially and occasionally adopted."

12. Lastly, we entertain the apprehension that on occasion the Council may hamper Government in the exercise of their discretion. *Ex hypothesi* the Council must consist of men whose opinions Government consider worth having and certainly reliable, and it appears to us to follow logically that whenever the Council is consulted in session its advice must usually be accepted, adverse though it may be to the desires of Government. To neglect its advice when tendered would be to make the institution of the Council a farce and its members objects for public ridicule. It may quite conceivably happen that some measure of reform, especially one touching some popular custom of long standing, which Government know to be desirable and right, may fail to commend itself to the people at large or to a majority of their leaders, who sit on the Advisory Council, and there is, we would submit, some ground for fearing that Government may find their hands tied and their power curtailed by an agency designed to assist and strengthen.

13. Assuming that Advisory Councils are to be constituted, we consider that in the case of the Provincial Councils a small number of members—not less than ten—should suffice for all practical purposes. We would beg leave to point out that a high money qualification does not necessarily imply that the possessor of a large income would be a qualified adviser and hence we do not suggest it. We would rather that the qualifications necessary for a Councillor should be laid down somewhat on the following lines: Divisional lists should be prepared containing the names of (*a*) territorial magnates and substantial landholders of sufficient capacity, wealth and trustworthiness, fit in every way to fulfil the functions of advisers, (*b*) eminent professional men, not omitting retired officials, (*c*) prominent merchants. We would deprecate the fixing of any proportion which these interests should bear to the total number of Councillors, for the reason that our enquiries show that, so far as this Presidency is concerned, the numbers under each of the above heads is limited and may vary from time to time among themselves. We would lay stress on the point that Councillors may, with the general advance in education, be reasonably required to have a good knowledge of the English language. And finally, considering that the system is one of nomination, we would leave His Excellency the Governor liberty to choose his own advisers from among the entries in a carefully prepared list, without the needless formality of subjecting his choice to the approval of the Viceroy, a device which is characteristic of a system of over-centralization.

14. According to the scheme laid down by the Government of India the Bombay Presidency might reasonably expect to send 6 territorial magnates, out of a total of 40, to the Imperial Advisory Council. In the practical application

of this projected allocation we are confronted with the difficulty that we have been unable to compile a sufficiently large list of such persons, who by reason of their intelligence as well as in virtue of their financial qualifications could be considered fit for the responsible position of Imperial advisers. We are driven therefore to suggest that the number of representatives to be sent from Bombay to the Imperial Advisory Council should be restricted to 3 and that these representatives should be elected by the Provincial Council, the only qualification to be insisted upon being that the representatives selected should be themselves substantial land-owners.

15. We now turn to the question of the expansion of the Legislative Councils. It is urged by several non-officials that it is a useless formality to expand these Councils unless the non-official members are given a decisive voice in the deliberations. One official (Mr. Orr, Collector of Ahmednagar) has stated that he would like to see a trial of the experiment of reducing the official element below the strength of the non-official element in those bodies, provided that certain safeguards in the shape of a veto and the exclusion of members who have been convicted of an offence or have been bound over under Chapter VIII, Civil Procedure Code, or are obviously disloyal, are provided. The Government of India have laid it down as a cardinal principle that the official majority on these Councils must be maintained, and we conclude that the point is beyond discussion. We would, however, beg leave to remark that the acknowledged difficulty of creating a satisfactory electorate should give reason to pause before any scheme, involving the transfer of legislative power from the Executive to a body of non-officials, who incompletely represent public opinion, is adopted. We are further of the opinion that the exercise of the veto might give rise to situations which it is desirable to avoid. The veto is an expedient adapted to more advanced countries and is only exercised in extreme cases. There is no guarantee that public opinion in this country is sufficiently advanced to render the exercise of the veto necessary only on rare occasions and in unusual circumstances.

16. There has been considerable comment on the question of caste and class representation. We agree with Mr. Jackson, the Collector of Násik, that it is idle to ignore the fact that separate castes and therefore separate interests exist in this country, and we think that any scheme which fails to secure adequate representation to all prominent castes or classes is open to the objection urged by the Supreme Government against the result of the present system of election. It must be confessed, however, that apart from the educated professional classes very little real interest is taken in even Council elections, and that the history of the past shows that less forward communities are content to send lawyers to Council as their representatives. That this process must continue until the general body of the electorate is awakened to political life seems to be inevitable. We see, therefore, little advantage in creating a fictitious and apathetic supplementary electorate for the backward classes, and in the formulation of any such scheme we should be confronted with almost insuperable difficulties. In the forefront is the obstacle that to secure complete representation of individual castes, legislation would be required to remodel the Municipal and Local Board electorates. Any raising of the franchise for these elections would result in the exclusion of a considerable body of petty ratepayers of the backward classes, who under the present system have, at any rate, a voice in the election of representatives to the local bodies. That the educated professional classes preponderate on these bodies is the inevitable result of the apathy and want of interest shown by less advanced communities even in their local affairs. And as things are the output of work is better in quality, speaking generally, when the local bodies are composed in the main of members of the educated professional classes, than we imagine it would be if they were otherwise constituted. Any attempt to redress the balance would, owing to the large number of separate castes and their sub-divisions, result in the creation of an unwieldy supplementary electorate and would necessitate the election by each of the classes or castes represented in the supplementary electorate, of members from their own class or caste. There would be the further difficulty that it would be an invidious task to lay down which castes should have separate representation and which not. We do not think that it is desirable to

accentuate caste differences in this way and we are conscious that the principle of election by a particular caste of a representative of that caste alone, conflicts with the broader principle on which the elective system is based, namely, the right of an elector to choose his own representative: nor is there evidence, as far as this Presidency is concerned, to show that the elected members of the professional classes have failed to represent the interests of other classes, or unduly put forward their own. The conclusion emerges that an electorate which cannot be trusted to take care of its own interests is unfit to be entrusted with the exercise of the power of election at all, and this is probably the truth as far as present-day India is concerned.

17. If the above be conceded, we are driven to suggest that the inequalities of the elective method can best be removed by the device of nomination which would ensure such limited representation as is necessary for the less advanced communities and castes, and we are encouraged to advocate this for another reason, namely, that in the case of Mahomedans no regularly constituted Anjumans exist. It is true that in large cities, such as Ahmedabad, societies exist, but it is also well known that they are not representative and that considerable jealousies exist among the different sections of the community, which are reflected in the acts and discussions of the Anjumans. As regards other communities and castes, no doubt caste panchâyats exist, but they are irregularly constituted bodies and their jurisdiction extends only to the decision of purely caste questions. They are in no sense representative bodies and amongst them are to be found members who are chosen more for their proficiency in deciding knotty questions of caste custom and usage than for their social standing. They would therefore in no way be useful as electoral colleges.

18. We now proceed to the consideration of a constructive scheme for the Legislative Councils, taking the Provincial Council first. We regard it as axiomatic that it is necessary to restrict the number of Councillors in order to ensure the prompt despatch of business and also in view of the limited number of high officials, who can conveniently be spared from their ordinary duties for the purpose of providing an official majority at the meetings of the Council. We propose therefore that the Council should be limited to 32 members, of whom 11 should be elected and 21 nominated. The elected members should be chosen by the following electorates :—

	Number of representatives.
By Municipalities in the Northern Division...	... 1
By Local Boards in the Central Division ...	... 1
By Local Boards in the Southern Division ...	... 1
By the Bombay Municipality	... 1
By the Chamber of Commerce, Bombay ...	... 1
By recognised Native Trades' Associations...	... 1
By the Chamber of Commerce, Karáchi ...	... 1
By the Sind Jághirdárs	... 1
By the Sardárs of the Deccan	... 1
By the Bombay Millowners' Association ...	... } 1 (alternately)
By the Ahmedabad Millowners' Association	... }
By the Senate of Bombay University ...	... 1
Total	... 11

Of the 21 seats available for nomination we would allot 7 to non-officials, it being understood that 3 seats (one for each Commissioner's Division in the Presidency proper) would be reserved for land-holders, one for the Tálukdárs in Gujarát and one for Sind.

19. We consider that the present representation of Municipalities in the Northern Division on the one hand and of Local Boards in the Central and Southern Divisions on the other cannot well be discontinued. The representatives chosen by these bodies may be regarded as representatives of the advanced opinion of the Mofussil—an opinion which undoubtedly deserves representation though not directly representative of persons with a great stake in the landed interests of the country. With regard to the proposal to prescribe

special qualifications for members to be elected by these bodies we are of opinion, judging by the experience of the past, that no such prescription is necessary, for it may be assumed that they will continue to elect the individuals who are in their opinion most likely to adequately represent their special interests. Similarly the Bombay Municipality seems to be entitled to retain its representative as voicing educated opinion in the City of Bombay.

20. The Chambers of Commerce in Bombay and Karáchi are excellent institutions for the representation of the general European commercial interests of those cities, and we consider that the Native Trades' Associations are equally entitled to representation.

The mill industry is so prominent and so important in Western India that we have been induced to suggest that the Bombay and the Ahmedabad Millowners' Associations should be represented on the Legislative Council. The position of Bombay needs no discussion, and as regards Ahmedabad we would record our opinion that the steady growth of the city as a commercial centre, especially during the past decade, entitles it to be recognized as a factor in industrial politics. It possesses some 50 factories mannaged by men who in intelligence equal, while in close attention to business they possibly out-rival, their Bombay competitors. A representative millowner from Ahmedabad would furthermore represent three interests—the mill industry in particular; capital and the local interests of the second city in the Presidency in general. We would gladly have recommended a separate representative for each city, but are prevented from doing so owing to the necessity of restricting the members of the enlarged Council. We consider that alternate representation will for the present effectually safeguard the interests of both.

21. In the matter of professional interests the Bombay University at present forms the best electorate we can suggest. The special representation of professional interests appears to us to be altogether impracticable. A money test is not a test of intellectual wealth and the mere possession of a University degree would be too wide and too intangible a prescription to impose. Nor are we persuaded that a professional man *qua* his profession requires to have his electoral interests specially safeguarded. It is recognized—nay even eagerly urged by non-official critics—that by the very force of his intellectual qualifications he is enabled to champion the cause of his fellowmen engaged in other walks of life, and the fact that in the past he has not failed to secure a voice in the representative institutions of his land leads us to expect that in the future he will continue to dominate electorates in which by reason of qualifications other than those of his profession he has a vote.

22. The Sardárs of the Deccan and the Sind Jághirdárs and land-owners now each select a representative for the Council and we would recommend that they should continue to do so. They will adequately represent the great landlord interest in a way no other electorate could, and there probably will be little question that they are in every way entitled to separate representation, especially in view of the opinion of the Government of India that landed interests should receive adequate representation on the enlarged Councils.

23. We have suggested that the representation of the smaller land-holders should be by nomination rather than by election. After giving the matter our best consideration we find that there are considerable difficulties in the way of forming a satisfactory electorate. We feel that to create an electorate composed entirely of revenue-payers paying an amount fixed, say, at Rs. 5,000 or over, would not necessarily imply that the interests of the smaller land-holders would be in safer hands than under some scheme of nomination from a carefully selected list of land-holders, not necessarily possessed of a given income, but certainly endowed with intelligence and having a *boná fide* and substantial interest in land. We note that most of the larger land-holders are Inámdárs whose interests are often opposed to those of their tenants. We realize that a money qualification suitable for one district would be unsuitable for another. We fear that having regard to the indefinite sub-division of land and the incomplete state of the record of rights it might frequently be discovered that a landholder entered in the list of electors as paying a large amount of land revenue was in reality a very small holder in his own right. And lastly we are aware that the payment of a small amount of land revenue in the shape of quit-rent

is not inconsistent with the possession of a large income from land in the shape of rent. Such anomalies as these could only be remedied by very careful enquiry into and scrutiny of nominal rolls of electors which would be a work of time. In view of these difficulties, and bearing in mind the general unsuitability of an elective system for a class of the population who have hitherto evinced little interest in choosing representatives in their petty local affairs, and in deference to the desire of Government to formulate some scheme for the enlarged Councils which can speedily be introduced, we would advocate the resort to direct nomination as being the most satisfactory temporary solution of the problem of giving direct representation to land-holders. We advocate territorial representation with a view to interesting the land-holding classes in legislative questions affecting their local area and we consider that the most convenient method is to have one representative for each Commissioner's Division. In point of population the Northern Division with $3\frac{1}{2}$ millions is unequal to the Central Division with 6 and the Southern Division with 5. But the inequality in numbers in the Northern Division is more than redressed by the acknowledged greater intelligence and wealth of the Gujarát peasantry.

24. Divisional lists of all substantial land-holders might be prepared after careful local enquiry. These lists might eventually form the basis of a nominated electorate, should it be found advisable hereafter to apply the elective principle to the selection of representatives of the landed interests. They would be framed on a non-racial, non-caste basis, and entry therein should not be difficult of attainment by a substantial man with genuine and ascertainable interests in the soil.

25. We consider that the Gujarát Tálukdárs may fairly be allotted one nominated seat. We should have liked to suggest the election of a representative by this class from among themselves. But there are certain obstacles in the way. It would be difficult to fix the payment of a particular amount of "Jama" (quota of land revenue) as the qualification of a tálukdári elector. Estates in Gujarát vary from the true "táluka" or large estate, held by such Tálukdárs as the Thakors of Amod and Sanand, where succession is governed by the law of primogeniture, to the petty holdings of the Chuval Tálukdárs in Viramgám, which have already been considerably sub-divided and are liable to further subdivision in the future. Instances could be cited of Tálukdárs (*e. g.*, Utelia) who are superior in point of education and intelligence to other Tálukdárs who own larger estates. Finally, as the legal definition of "Tálukdár" includes a mortgagee in possession and covers the cases of those persons who have acquired an interest in tálukdári estates by right of purchase without being descended from the original grantee of the estate, it is desirable to secure by the method of nomination that the true squire and not the money-lender shall represent the interests of the yeomanry of Gujarát.

26. Our scheme of nomination thus leaves three seats for Mahomedans or representatives of other communities which may fail to secure representation in the elections.

27. Fourteen nominations would be reserved for officials. At present ten officials are represented on the Council, and it would not be difficult to find four others who could be selected to sit on the Council, with due regard to the convenient discharge of their ordinary duties.

28. We would suggest that the representative of the Bombay Legislative Council to be elected by the nobles and great land-owners of the Bombay Presidency to the Viceregal Legislative Council should be elected by the whole body of the non-official members of the Provincial Legislative Council, but should belong only to one of the following classes of constituent members of the Provincial Council:—

The nominated land-holders.
Sind Jághirdárs.
Gujarát Tálukdárs.
Deccan Sardárs (if not a ruling Chief).

29. Similarly, owing to the difficulties already described in the course of this report as regards the creation of a satisfactory and representative Mahomedan electorate, we would recommend that the whole body of the non-official

members of the Provincial Council should elect a Mahomedan member of the Provincial Council to represent that community in the Viceregal Council.

30. Turning, in conclusion, to the question of the discussion of the Budget in Council we venture to offer this criticism of the suggestions made by the Government of India, that while they undoubtedly tend to a more complete understanding of the items of the Budget by the Additional Members, they yet make no provision for an effective discussion of the current year's Budget before it has been sanctioned, nor for allowing Government who are responsible for the Budget the advantage of the local experience of members in deciding how surplus revenues can most profitably be spent or a deficit met with the minimum dislocation of the machinery of general administration. It would, we conceive, be no part of our province on the present reference to comment on the faultiness of the existing arrangements for the passing of the Budget, but we venture to point out that those arrangements render it almost impossible for the Budget to be discussed in the Provincial Council until it has received the sanction of the Government of India. It would, in our respectful opinion, be of material advantage if a skeleton Budget were first prepared and fully discussed in the Provincial Council before being cast into final shape by the Honourable Board for submission to the Government of India.

31. The reports of the Collectors and opinions of officials and non-officials are being submitted separately.

Note of Dissent.

I am unable to accept the proposals of Messrs. Doderet and Barrow, in paragraphs 13 and 14 of the report, for the constitution of the Provincial and Imperial Advisory Councils. I fear that such Councils would be regarded by the public as a sham, and in fact would be little better than a sham. The members as a class, though worthy and intelligent men, useful for the discussion of local affairs, would be out of place as the constituted advisers of Government. Their advice would be less weighty than the advice of Collectors of the Presidency, and, though the representatives of the up-country districts, they would not necessarily be better representatives thereof than the elected members of the Legislative Council. The latter would in fact be their rivals and competitors, competing for popular favour and also for the attention of Government. An Advisory Council that did not carry weight would be wrose than no Council and would be mischievous. It is necessary, beyond everything, that an Advisory Council, if constituted at all, should command respect and should not be *Ludibrium*. The only sort of Council likely to command the requisite respect is a very small and select Council, having no pretensions to be representative, and consisting exclusively of men of the highest capacity and reputation as Indian statesmen. It is impossible to explain my meaning without mentioning names: so I venture to say that the sort of Advisory Council that would command the respect of Government on the one hand and the public on the other would at the present moment consist of His Highness the Aga Khan, Mr. Justice Chandavarkar, Sir Phirozsha Mehta, the Honourable Mr. Gokhale and T. J. Bennett (now in India). Such a Council of statesmen could give, on great questions, really weighty advice, so weighty indeed that, if it were unanimous, the Executive Government would be unable to ignore it. The members of this Council would in fact come to be recognized as assessors of the Executive Government, Questions of principle alone would be the province of these Councillors: individual cases would be beyond their sphere: there should be no possibility of their becoming petition-brokers.

If such a Council were appointed, it might be given the status of a Privy Council. The members ought, at the same time, to be Privy Councillors of the Governor of Bombay for Bombay questions, and of the Viceroy for Indian questions. There would then be no separate Advisory Council for India. The Viceroy would and could depend on the Privy Councillors of the various provinces. They would be more useful to him than ruling Chiefs and territorial magnates. Though the number of Privy Councillors for each province must necessarily be very small it cannot be a fixed number. There must be elasticity. There must be room for the Telang or Ranade of the future, and even for such a man a seat on such a Council would be an object of ambition.

J. DEC. ATKINS,
Commissioner, N. D.

Note of Dissent.

Assuming that it is open to us to discuss the necessity for Advisory Councils, then I would record my view that such Councils, if constituted with proper safeguards against the possibility of encroachment on the powers ef the Executive, would materially assist Government to make their intentions and motives better known to the general public. At present Government possess no recognized agency such as is supplied by the semi-official newspapers in Europe of making known the official view. Non-official opinion is consulted and non-official views are elicited in an informal manner by Government. All that it is proposed to do is to systematize this occasional and inchoate consultation by creating a regularly-constituted consultative body which would meet at stated intervals. I am of opinion that the formal recognition of the principle of consulting non-official opinion, and the greater publicity of such consultation in the future, will be a gain to the administration.

I am opposed to giving the Councils any power of making suggestions to Government because (i) the Legislative Councils already possess the right of interpellation, (ii) the power is liable to abuse. It should rest with Government to decide what questions they will seek advice on and it should not be in the power of the Council to hamper the Executive with unsolicited advice. Free and full communication of motives and intentions concerning all matters on which advice is not specifically sought and which it is to the public interest to divulge there should and would be. Thus freer transmission of authentic information to the general public would be secured.

W. Doderet,
Commissioner, C. D.

Note.

Paragraph 7 of our report indicates that there is considerable diversity of opinion between us as to the share of responsibility which should be made over to the Advisory Council should the Government of India hold the institution to be necessary. I will endeavour to explain as briefly as possible my personal views on this point.

I adhere to the opinion expressed in paragraphs 9 to 13 of our report that the formal constitution of a Council will not only probably prove ineffectual towards the ends which the Government of India have in view, but may possibly tend to fetter the freedom and tie the hands of Government. It is needless of course to labour this piont further, and I will only note on what appear to me to be essentials if these Advisory Councils are called into being.

The functions of the Council have been clearly defined—they are to advise and to act as Government interpreters—and the point for consideration is whether, under the outlined scheme, they will ever be in a position to effectively perform their dual obligations. I am respectfully of opinion that they must fail to do so unless it be required that the Council shall meet at regular intervals and conceded that its members are entitled to ask questions as well as authorised and even encouraged to suggest reforms and changes for the consideration of Government.

To me it appears that to leave the meetings of the Council to be fixed by chance whenever its existence is not overlooked will gradually result in a meeting becoming a thing of the rarest occurrence and the bulk of the advice received being obtained from individual members. The Council if constituted must never cease to be, at least at periodic intervals, before the public. It should, I think, meet at least once a year for collective discussion of matters referred to it by Government so that there may be an open acknowledgment of its utility in the eyes of Government.

I fail to see how the Council may reasonably be expected to truly interpret to the people the intentions of Government with respect to any measure under consideration unless it may ask for the information the absence of which would leave it ignorant of that which it is desired it should publish. I do not for a

moment suggest that at a collective meeting members should be allowed to pound Government with formal questions to which replies must be given; all I suggest is that the Council should have at its disposal some machinery for getting at the Government view. I would suggest that any member, not on behalf of the Council but on his own, should be permitted to write in to Government and ask for information needed to clear his own doubts or uncertainties. I would note that a prescribed yearly general meeting would as an additional advantage afford a regularly recurring opportunity for an exposition of Government views and policy.

I consider it most essential that to give the Council a chance of real vitality and to make it of unmistakeable use to Government and the country, the members should have, not what is usually called the right of interpellation, but clear authority to make in their collective capacity suggestions of all kinds for the consideration of Government. This would be giving the members no right which they do not even now possess as private citizens, for any man is at liberty to ask Government to do this, that or the other although Government may not be disposed to allow any weight to the representations made. Suggestions made by the Advisory Council are certain not to be frivolous and might often be most valuable, for the Council is by hypothesis to comprise the best material we can find. No obligation to act on the suggestion would be thrown on Government, nor would the Council suffer from the rejection of any of its own original proposals the same loss of public respect as would follow the rejection of its advice on a particular subject tendered by request.

R. P. Barrow,
Commissioner, S. D.

Chamber of Commerce, Karáchi.

No. 56, dated the 28th January 1908.

From—The Secretary, Karáchi Chamber of Commerce;

To—The Acting Secretary to Government, General Department.

With reference to your letter No. 6534 of the 31st October and Government Resolution No. 6533 of the same date, on the subject of the enlargement of Legislative Councils and connected questions, the only comments my Committee desire to make are as follows:—

1. No provision appears to have been made for giving the commercial interests any adequate representation on the proposed Imperial Advisory Council.

2. No opportunity for influencing the expenditure of public revenues beyond what may result from a more detailed criticism of a budget *already prepared* appears to be contemplated.

3. No advance upon the present system of representation of the commercial interests of Karáchi and Sind appears to be contemplated.

2. With regard to 1 and 2, my Committee would respectfully urge that it would be in the interests of the commercial communities of India and therefore in the best interests of India as a whole, if an advance in the directions indicated were made. Especially would this be the case if expenditure on Railway, Irrigation, Telegraphs and the Postal Department could be in some measure influenced by the wishes of the mercantile communities of India.

3. With regard to 3, this Chamber was in 1892 granted the privilege of recommending a member for nomination to the Legislative Council of His Excellency the Governor of Bombay. Owing to an alteration in the constitution of the Council in 1895, this privilege was withdrawn. My Committee would respectfully urge that the status of the Chamber is now such that it should be placed on the same footing as Bombay in the matter of commercial representation.

Jain Young Men's Association, Jaipur.

No. 294, dated Jaipur, the 6th January 1908.

From—G. DHADDA, Esq., President, Jain Young Men's Association;

To—The Private Secretary to His Excellency the Governor of Bombay.

I have the honour to forward herewith copy of the Resolution unanimously passed at Conference of the Jain Young Men's Association of India, held at Surat on the 29th, 30th and 31st December 1907, and request you to kindly lay it before His Excellency the Governor for favourable consideration.

Resolution XII.

That the various Provincial Governments be requested to consider favourably the claims of the Jain community to have their own representatives on the Legislative Councils of the various provinces and the President be authorised to submit the prayer duly to the Government concerned.

Ráo Bahádur Motilal Chunilal, President, Broach City Municipality.

No. 269, dated the 14th December 1907.

From—Ráo Bahádur MOTILAL CHUNILAL, President, Broach City Municipality;

To—The Acting Secretary to Government, General Department.

In response to the Government letter No. 6534, dated 31st October, I have the honour to submit my respectful opinion as well as my humble suggestions on the formation of the Advisory Councils and the enlargement of the Legislative Councils and questions connected therewith.

2. It has been proposed in the Resolution to form the Imperial Advisory Council chiefly out of the ruling Chiefs and the territorial magnates of the country. But I doubt whether the ruling Chiefs will receive this proposal in the same spirit in which it is offered. Rulers of prominent Native States such as the Nizám, the Gáekwár, the Scindia, the Holkár, the Mahárájás of Mysore and Kashmere and a host of others will be very loath to accept places in an Advisory Council where the sense of dignity and independence which they are prone to entertain is likely to be offended. It is true, no doubt, that some of them were prepared to play the satellite to the Supreme Power in the pre-British period, but the times and the forms of the paramount Government never fail to make corresponding changes in the notion of independence.

3. Besides, I fear that the ruling Chiefs will not be, in any way, useful instruments for diffusing correct information in regard to the motives of Government, nor will they be able to correct erroneous and mischievous statements of facts or purposes. The Indian Rulers, with the few exceptions, have neither the eloquence to undeceive the people nor the opportunities to communicate their thoughts nor the willingness to stand on the same platform with any but their peers. They have their own code of State etiquette and dignity; and if their own inclinations are consulted, I think they will very probably prefer to be left alone.

4. For these reasons it will be better if the ruling Chiefs are excused from joining the Advisory Council, but a separate Council of their own might with advantage be formed, where questions relating to the common interest of the Native States and the British Government, in other words international questions, may be discussed, but no question affecting the internal affairs of ndividual State should be brought within the purview of this Council.

5. In my humble opinion the Imperial Advisory Council of the Rulers may be formed of the members given below :—

(1) The Viceroy.
(2) Twenty ruling Chiefs.
(3) The Commander-in-Chief for India.
(4) The Governors of Bombay and Madras.
(5) The Lieutenant-Governors.
(6) The Chief Commissioners of the Central Provinces.
(7) The members of the Executive Council of the Viceroy and the Governors of Madras and Bombay.

6. From the Resolution it is difficult to understand what business, and that also to what extent, the Advisory Council shall perform. It has been stated in the Resolution that "the body of advisors" should have the peculiarity of "requiring no legislative recognition and possessing no formal powers of initiative;" that the members of this body are to be consulted individually or collectively at the discretion of the Governor-General; and that they can meet only when called together. These conditions would, I think, hinder the attainment of the objects for which this Council is sought to be instituted.

7. The want of legislative recognition and formal powers of initiative will make the existence of the Council merely nominal, and consequently no constitutional requirements will be satisfied, and no greater sense of responsibility will be felt by those whose advice is sought. Moreover, the Councillors will fail to command the respect and influence the minds of the people because no active share will be given to them in the administration of the country.

8. The only object for instituting this Council appears to me to be the diffusion of correct information about the acts and intention of the Government. But the Councillors will not be in a position to explain the motives of the Government and to correct "erroneous and mischievous statements of facts or purpose" imputed to them unless they are very intimately associated with the Government by being called together twice or thrice a year, and allowed to exchange views by discussing formally as well as informally all the questions mooted or measures contemplated. Close contact and free intercourse with Government alone will make them realise the real objects and intentions of the Government.

9. I would respectfully beg to suggest that the Imperial Advisory Council should consist of the following :—

(1) Two of the non-ruling Chiefs and Nobles (whose annual income is not less than Rs. 50,000) from each of the Provinces of (1) Bombay, (2) Madras, (3) Bengal, (4) Eastern Bengal, (5) the United Provinces, (6) Punjab, (7) Burma and (8) one from the Central Provinces	15
(2) Mill-owners	3
(3) Tea-planter	1
(4) Mine-owners	2
(5) Representatives of the Chambers of Commerce existing in the country	2
(6) Representatives of the political associations existing in the country	2
(7) Representatives of the Railway Companies	2
(8) Representatives of the Native States of— 1 Hyderabad. 1 Mysore. 1 Baroda. 1 Gwalior. 1 Kashmere. 1 Jeypur and Udeypur (alternately). 1 Patiála.	7
(9) Eminent Lawyers	2
(10) Eminent Medical Men	2
(11) Eminent Educationists	2

(12) Eminent Engineers and Scientists 2

(13) The Presidents of the Municipalities 2

(The selection being made by rotation from among the Presidents of the Metropolitan or other big Municipalities of cities with a population of 200,000 and upwards.)

(14) Government pensioners of high position who have, while in the service, served in various high offices and acquired considerable experience of the administration 2

(15) Military representatives to be selected from the distinguished Military officers of the Native States Armies and pensioned Military officers of the Indian Army 2

(16) Gentlemen whom His Excellency the Viceroy may consider from their special qualifications and intelligence to be worthy of nomination on this Council 4

52

10. I may be allowed to note here that the allotment of special seats to Mahomedan members has the undesirable tendency to create invidious controversies, and to hinder the " promotion of intimate relations between the component parts of the Indian Empire." All the appointments being *by nomination*, it will be very easy for the Government to silently maintain the principle by a representative selection from all the different races and communities.

11. As to the Bombay Provincial Advisory Council, I beg, with your permission, to suggest the following members :—

A.—Land-holders 12

1 member from the Zamindárs of Sind.
1 member from the 3rd, 4th and 5th classes of the Chiefs of Káthiáwár.
1 member from the Tálukdárs of Gujarát.
1 member from the Sardárs of the Deccan.
1 member from the Khots of Konkan.
1 member from the Chiefs of the 3rd and lower classes of Mahi Kántha, Pálanpur and Rewa Kántha Agencies.
6 land-holders whose annual income from lands is not less than Rs. 5,000 per annum—one from each of the Provinces of Gujarát, Konkan, Karnátak, Sind, Khándesh (including Ahmednagar and Násik) and Deccan (including Poona, Sholápur and Sátara).

B.—Industry 4

2 members from the mill-owners of the Presidency.
1 member from the Railway Companies.
1 member from miscellaneous industries.

C.—Commerce and Capital 8

1 merchant from Bombay.
1 merchant from Sind.
1 merchant from Gujarát.
1 merchant from Káthiáwár.
1 merchant from Karnátak (Kánarese-speaking districts).
1 merchant from the Deccan (Poona, Sholápur and Sátára).
1 merchant from Khándesh (including Násik and Ahmednagar).
1 merchant from the Konkan (Thána, Kolába and Ratnágiri).

D.—Professions 8

2 eminent Medical Men.
2 eminent Lawyers.
2 eminent Engineers and Scientists.
2 eminent Educationists.

E.—Municipalities and Administration 8

2 Presidents of the City Municipalities.
2 Government pensioners who have rendered brilliant services in different departments.
4 gentlemen whom His Excellency the Governor may select for special qualifications.

40

12. The members consisting the different races in the Bombay Presidency (exclusive of the Bombay City) is as follows :—

Hindus	11,685,000
Jains	213,000
Mahomedans	3,620,000
Pársis	27,000
Eurasians, Christians and Jews ...	116,000
[Europeans are excluded because the non-official population is insignificant.]	
	15,661,000

Taking this population, as well as the vital consideration of the differences of race and language, it will be very convenient to divide this Presidency into the following groups:—

(1) Sind, (2) Káthiáwár, (3) Gujarát, (4) Konkan, (5) Karnátic, (6) Deccan (Poona, Sholápur and Sátára), (7) Khándesh (including Nagar and Násik) and (8) Bombay City.

By a judicious system of selection, His Excellency the Governor will be enabled to select five representatives from each of the divisions and one at least from the smaller and two from the larger districts, and thus a proper representation of each district and community may be easily ensured.

13. I have already said under the head "Imperial Advisory Council" why special seats need not be reserved for the Mahomedans, and the same arguments apply to the Provincial Advisory Councils also. The Mahomedan population is about 3,900,000 (including Bombay) as against 12,000,000 Hindus. The large Mahomedan population of Sind and the numerous Mahomedan merchants of Bombay and the Barristers will afford a large field to select about ten Mahomedan gentlemen which would seem to be the proper number, in proportion to the population, to represent the community. The population of other religions may be approximately taken (including Bombay) as follows :—

Jains	225,000
Pársis	80,000
Eurasians, Christians and Jews, etc.	175,000

Legislative Councils.

Imperial.

14. After a careful perusal of that portion of the Resolution which deals with the Imperial Legislative Council, what strikes me more is the entire ignoring of all the other numerous industries and professions except the land-holders, the Chambers of Commerce and the Mahomedans. This appears to me to go against the very intention of the Government as given in paragraph 9 of the letter. It is explicitly stated that "the Government of India are far from denying that the professional classes are entitled to a share of representation, proportioned not merely to their numbers, which are small, but to their influence which is large and tends continually to increase." But the scheme as given in paragraph 12 shuts out nearly all the influential professions. This will inevitably evoke general disapproval even from the most conservative. In my humble opinion the Imperial Legislative Council will be more aptly representative of the varied shades of opinion in the country, if it is formed on some such line as I venture to give below :—

A.—*Elected*—

(*a*) Land-holders 8

7 land-holders by the Nobles and the great land-holders of Madras, Bombay, Bengal, East Bengal and Assam, the United Provinces, the Punjab and the Central Provinces; the franchise being given to those whose annual income is Rs. 25,000 and upwards.

1 by the Tea Planters' Association.

(*b*) Commerce 10

8 { 1 merchant to be elected from each of the abovementioned 7 Provinces and 1 from Burma.

1 to be elected by the Chambers of Commerce in India.

1 to be elected by all the banking firms in India.

(*c*) Industry 3

1 to be elected by the mill-owners in India.

1 to be elected by the mine-owners in India.

1 to be elected by the Railway Companies.

(*d*) Professions 6

1 Lawyer to be elected by the Barristers and High Court Pleaders.

1 Doctor to be elected by Graduates in Medicine of over 10 years' standing.

1 Engineer and Scientist to be elected by the Graduates in Engineering and Science only.

1 Educationist to be elected by proprietors of private and aided Colleges.

2 Government pensioners to be elected by those in receipt of a pension of Rs. 200 and upwards per mensem.

(*e*) Provincial 7

1 member by the non-official members of each of the 7 Provincial Councils.

(*f*) Special by nomination 5

2 Mahomedans, provided the elected number is less than 9.

1 Eurasian and Native Chaistian, provided no one is elected under other heads.

2 Experts.

39

The Government may fix the number of Government officers.

15. No one whose annual income is less than Rs. 25,000 should be allowed to stand a candidate because he must have sufficient means to keep up the dignity of a Councillor of the Imperial Legislative Council.

16. The Bombay Legislative Council formed on the following lines will be fully representative of all the occupations and interests in the land.

The whole Presidency should be divided into the following six divisions so that the language, commercial and numerical interest may be equalised :—

	Population.
A.—Gujarát (five districts of Ahmedabad, Kaira, Panch Mahals, Broach and Surat)	2,702,000
B.—Konkan (Thána, Kolába and Ratnágiri)	2,585,000
C.—Karnátic (Kánara, Dhárwár, Belgaum and Bijápur) ...	3,397,000
D.—Deccan (Sholápur, Poona and Sátára)	2,863,000
E.—Khándesh (East and West, Násik and Nagar)... ...	3,082,000
F.—Sind	3,250,000

Elected Members.

(*a*) Land-holders 7

1 from the Zamindárs of Sind.

1 from the Tálukdárs of Gujarát.

1 from the Khots of Konkan.

1 from the Bhil Chiefs and Inámdárs of Khándesh.

1 from the Sardárs of Deccan.

1 from the Sardárs of Karnátic.

1 from the Chiefs of Káthiáwár.

(*b*) Representatives of the Municipalities and the Local Boards, combined. 7

1 Sind.

1 Gujarát.

1 Konkan.

1 Karnátic.

1 Deccan.

1 Khándesh.

1 The Bombay Municipality.

(*c*) Representatives of professions 7

1 Lawyer (the Barristers, Attorneys, Solicitors, LL.B.'s and High Court Pleaders of more than five years' standing being given the franchise).

I have proposed one seat for the Lawyers because some will possibly be elected by the Municipalities and the District Local Boards.

2 Doctors (all M.D.'s, M.B.'s, L.M. & S. and holders of diploma of Indian and European Universities in Medicine, Surgery and Veterinary of more than five years' standing should be given the franchise).

2 Engineers and Scientists (all holders of degrees in Engineering and Science of five years' standing and the pensioned Executive Engineers to have the franchise).

2 Educationists (all Graduates of European and Indian Universities holding degrees in Arts, Philosophy, Divinity, and the Principals and Professors of private and aided Colleges to have the franchise).

(*d*) Representatives of industry and commerce 7

1 of Railway Companies.

2 of Mill-owners.

1 of the Chambers of Commerce of Bombay and and Karáchi.

1 of Banks.

1 of the merchants whose annual income exceeds Rs. 25,000.

1 of the Port Trusts of Bombay and Karáchi.

(*e*) Special representatives 4

4 Government officers to be elected, *viz.*—

1 by the Provincial Judicial Departments including Statutory Civilians.

1 by the Provincial Revenue Department including Statutory Civilians.

1 by the Provincial Police Force (Indian Superintendents of Police, Assistants and Deputies).

1 by the Educational Provincial Service.

32

(*f*) Non-official gentlemen whom His Excellency the Governor may consider worthy of nomination 8

Out of these 8 as many Mahomedan gentlemen may be appointed as would bring the total number of elected and nominated Mahomedans to 8, which is the maximum number which can be allowed in the ratio of the population and commercial and agriculturist interest as compared to the Hindus. As some Pársis and Europeans will be elected and also some Mahomedans by the different electorates, the number of Hindus in the ratio of the population will, perhaps, be less than that of the Mahomedans; therefore, a general provision to appoint 8 non-officials "whom His Excellency the Governor may consider worthy of nomination" will meet the requirements on each occasion. There are other conditions necessary for proper representation which would also, I submit, be enforced. The candidate should belong to the same class from which he is elected, *e.g.*, the Zamindárs of Sind can elect as their representative only a Zamindár, and the Lawyers can elect only a Lawyer. The candidate should not be only a resident of the area for which he is elected, but he should also be following the profession, which he represents, within his electorate.

17. The Government of India and Secretary of State have desired that the official majority should be maintained under any circumstances. It will be possible to carry out their orders by nominating all the Heads of Departments and the Collectors of the districts as members. The following list may be found suitable. Even leaving a large margin for unavoidable absences, the working majority will, I believe, be always available :—

2 members of the Executive Council of the Government.
1 Lieutenant-General Commanding Bombay Presidency.
1 Lord Bishop.
1 The Chief Justice.
1 The Commissioner of Customs.
4 Divisional Commissioners, including Sind.
1 The Inspector-General of Police.
1 The Director of Public Instruction.
1 The Chief Secretary to Government.
1 The Accountant General.
1 The Surgeon-General with the Government of Bombay.
1 The Director of Agriculture.
1 The Secretary to Government, Political, Special and Judical Departments.
1 Do. do. General and Educational Departments.
1 The Chief Engineer, Public Works Department.

19

1 The Settlement Commissioner and Inspector-General of Registration, etc.
1 The Advocate General.
1 The Remembrancer of Legal Affairs.
1 Agent to the Governor, Káthiáwár.
1 The Post Master General.
1 The Sanitary Commissioner.
1 The Conservator of Forests.
23 Collectors of Districts, including Sind.
1 The Collector of Bombay.
1 The Collector of Salt Revenue.
1 Principal, Grant Medical College.
1 The Municipal Commissioner of Bombay.
1 The Chairman, Bombay Improvement Trust.
1 The Commissioner of Police, Bombay.

55

18. I fully agree with the views of the Government of India that the interests of smaller communities like the Mahomedans should be secured by obtaining a proper representation of them, but I very respectfully venture to submit that the mode thought of, *viz.*, allotting special seats, would create invidious distinction, which, it is, on moral and political grounds, undesirable if the same object can be attained otherwise. I verily think that from the large Mahomedan population of Sind and the big Mahomedan merchants of Bombay some Mahomedan gentlemen will be elected. Of the seats which my scheme proposes, some will be occupied by the election of Pársi gentlemen and some by that of Europeans and perhaps one or two by the Jains, many of whom are rich merchants and mill-owners. The number of Hindu members will, therefore, probably be, in the ratio of population, in equal population with the Mahomedan members. I have proposed seats for nomination by His Excellency without any reservation as to the community so that it may be possible for him to nominate the gentlemen of any community whose representation in election may be found on any occasion to fall short of the proportion in the ratio of the population. The new scheme may be expected to be in force for a fairly long period before any change will be made, but it may not be long when the Government themselves might find that the Mahomedan representation by election is, if not more, in the ratio of the population and at

that time the seats, which it is intended to reserve exclusively for that community, will be found to be excessive. But if there is no communal reservation made, His Excellency will be able to meet the requirements of the time without any legal embarrassment. I am also humbly of opinion that the creditable advance made by the community in education is due more to the answering policy of Government in maintaining firmly the policy of appointment to posts in the service of Government on the educational standard, but if that principle is relaxed and special grace shown to the community, their future educational progress will be a little slower. It is therefore desirable in the interest of the community itself, as a whole, and also in that of the Empire not to show any special favour by reserving any seats for any community whatever, but practical favour can, when necessary, be shown by nominating as many members of that community as might be deemed proper to give it an adequate representation at every time the Councils are formed. When it is known that nominated seats are intended to make up deficient representation of any community, and Hindus, Parsis, and Christians all alike are eligible to be nominated thereto, when any of these communities is not properly represented, there will not remain any cause for grumbling or criticizing by any community.

19. In conclusion, I beg to take the responsibility of the foregoing views upon me alone and are not binding on the Municipality over which I preside. The Municipality has appointed a special committee consisting of Dr. Barjorji Sorabsha Munsifna, Vice-President, Mr. Kirpashankar Bhagwanji Vyas and Mr. Ambashanker Uttamram Malji, a copy of whose report to the Municipal Council is hereto appended for immediate reference, but I will submit my formal report, embodying the opinion of the Municipality, when the same has been adopted at the next Special General Meeting which is fixed for the 14th instant.

Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karáchi.

Karáchi, 5th February 1908.

To—The Acting Secretary to Government, General Department, Bombay.

Sir,

Enlargement of Legislative Councils, etc.

I have the honour to acknowledge receipt of your letter No. 6534 of the 31st October 1907. I have carefully studied the letter from the Government of India, No. 2310—2317, and am fully in accord with the principle of giving to the educated and influential classes in this country opportunities for coming into closer contact with the officers of Government, for expressing their views on matters of practical administration, and for giving to those, who are capable and efficient, a larger share (wherever practicable) than at present in the actual work of Government.

With regard to the several proposals outlined by the Government of India I venture to give below the conclusions I have arrived at with regard to each :

An Imperial Advisory Council.

Regarding successful commerce as the ultimate source of all social, economic and political strength, it appears to me desirable that the proposed Imperial Advisory Council should include representatives of the commercial communities.

Provincial Advisory Councils.

The scheme seems wholly admirable. "Industry, commerce and capital" are, I notice, all specially mentioned as sections of society that it is essential should be adequately represented.

Legislative Councils.

If Advisory Councils be brought into existence, there does not appear to me any necessity for further enlarging existing Legislative Councils. Debates are already exceedingly verbose, and constructive work of a legislative character is more likely to be hampered than facilitated if the number of Councillors be still further increased.

Discussion of the Budget.

The proposal to discuss the budget in more detail is a move forward, provided, at the same time, two radical changes are made in the present methods of procedure — (1) discussion should take place *before* the budget is finally adopted by Government; and (2) the Council should be given authority to control, in some measure, the allotment of expenditure under such heads as Irrigation, Railways, Telegraphs, Post Office, Education and Police. These are changes that might well be introduced when it is remembered that Government, by the number of its official representatives on Council, will continue to maintain its executive authority in undiminished strength.

I have, etc.,
M. DE P. WEBB.

Confidential.

His Highness Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.

LEGISLATIVE COUNCIL REFORMS.

The questions which arise, directly and indirectly, out of the Government of India's communication on the subject of Council Reforms, are so numerous, so varied, and, at the same time, of such far-reaching importance that it is impossible to exhaustively deal with them, unless one has ample amount of space, which, however, it is not practicable for each individual, who gives his opinion, to utilize; so that I will confine myself to only those questions that either concern the Mahomedan community to which I belong, or to general questions of such vital and imperial importance as I may be called upon, by a call of duty, as a loyal and devoted subject of His Majesty the King-Emperor, to raise my voice and bring my honest, independent opinion prominently before the Government. Moreover, it is not only my own strong personal opinion that I write, but my firm convictions based on much careful information which I have been at pains to collect by personal conversation and deliberate communications carried on with a view to thoroughly acquaint myself with the trend of public opinion and with the views of leading Mahomedans of all schools of thought not only in this Presidency but in all parts of the country.

2. Nor have I limited my enquiry to such Mahomedans alone who take an active part in politics — educated men belonging to legal and other professions — but I have tried every avenue of reliable information — from practical men of the world to land-lords and traders, men who have been either prominently connected with mercantile and commercial interests, or identified themselves with the industrial development of the country. I have carefully weighed the views expressed by prominent men in various walks of life — politicians and non-politicians. Most of the opinions point, in general results, to the same conclusions, as I have arrived, after much careful thought and consideration of various circumstances, applying to the peculiar conditions of Mahomedan Political Life.

IMPERIAL ADVISORY COUNCIL.

3. Before considering, in detail, the question of Mahomedan Representation, in which I am greatly interested, I will proceed to deal, first of all, with that important Imperial question, the Imperial Advisory Council of Notables, the possible failure of which involves serious consequences to the State. As a loyal subject of the Emperor, I feel, therefore, very strongly on the subject, and I am sure I would be wanting in my duty towards the Government and the country if I hesitated in freely expressing my opinion thereon. The suggested Advisory Council of 20 Ruling Chiefs and 40 Notables sounds very well in theory, but I doubt very much that it is so in practice. Politically it is inexpedient; and I very much doubt its wisdom from a practical point of view. In my humble opinion, it is a great mistake to mix ruling Princes with other men on one and the same Advisory Council. There are so many arguments against and not many that I know of in its favour. I have had opportunities to discuss the question with many men qualified to pronounce an opinion thereon, but so far I have not yet met one man who approves its wisdom in an unqualified manner; nor have I even heard one voice in its favour. Every one with whom I have come in contact has pronounced it as impracticable or so defective as to easily ensure its failure. The arguments urged against it seem to me to be absolutely convincing. The hereditary pride of Ruling Chiefs, their notions of themselves, their rank and their status and dignity make it highly improbable that they would freely mix up with even each other, but more so with those who are only land-lords and who do not belong to a princely family or who have no

royal blood in them. Most of them at least, if not all, will consider it derogatory to their dignity and honour to sit side by side with persons whom they do not consider to be their equals; in fact, there are not 40 aristocratic persons of sufficient intelligence and knowledge, who may be deemed worthy of sitting side by side with 20 Ruling Chiefs. Their natural jealousy with each other would lead to a divergence of opinion, which would only end into confusion. Those who know anything of Indian Princes will not fail to assert that it is impossible to secure an unanimity among them, however non-contentious and simple an issue may be.

4. But apart from these valid considerations, there are, to my mind, other solid and substantial reasons of state and expediency as to why these Princes should be kept aloof from other elements in the Advisory Council. But to this aspect of the question I shall presently refer again.

5. To begin with, the preliminary objection that can be urged against the Advisory Council of Notables is that the majority of Native Chiefs are not always up to date in regard to their knowledge of the ever-changing conditions of modern British India and its problems, with which they are imperfectly acquainted. The problems they have to deal with all these years are different from the problems that concern British India, and with which the British Statesmen are now confronted. They know nothing of the new desires and new spirit of the people in British India and their needs and requirements.

6. It will not be easy to reconcile the Princes to the new duty they will be called upon to perform as Imperial Advisors. Some of them could hardly find leisure — they are so engrossed in their own State or in luxury — to give more than a cursory attention to the questions that come before the Advisory Council regarding British India, even if they have an inclination to do so.

7. To my mind, the proposal is of doubtful utility and a doubtful honour to Native Princes to be called upon to give advice in company with ordinary subjects and which might or might not be accepted. In the latter case, the result could not but be unpleasant, as the Chiefs, whose advice is not accepted, might take it as a personal effront and want of confidence in them. I think unanimity in such a Council will be an impossibility.

8. But as I have hinted above, the chief difficulty lies in their being brought into contact with 40 other men. There are discontented people and agitators in British India, and they have acquired a great deal of influence in Native papers; and it is quite possible that notwithstanding the extreme care to keep out any disturbing element, a representative of theirs might get into the Advisory Council and might come in contact with the Native Chiefs. This would be a bad augury for the future of the Advisory Council. Besides, the action of the Chiefs would, when they supported Government proposals, expose them to the venomous shafts of agitators and the bitter attack of that portion of the Native Press, which is always at the beck and call of the discontented agitators. Such bitter attacks would adversely affect the position of the Chiefs, their traditions, and their prestige among their own people. There is a type of Native Chiefs, too, who delight in attacking Government and its measures in private, and if a Prince of that character finds himself on the Advisory Council, which is probable, and if he plays into the hands of a discontented agitator or a rabid press, it will terribly complicate matters and expose Government to all kinds of novel abuse. It would mislead the credulous masses of the native public and bring into being another element of unrest and disorder, and it will probably affect other Chiefs. The action of the loyal Chiefs, who sympathise with the measures of Government, would be misrepresented and adversely criticised by their countrymen in British India, and even by their own subjects. I am thoroughly convinced of the fact, and I therefore repeat it that many of the Native Chiefs would not like to mix up with their colleagues; that it would not be possible to blend the orthodox and advanced types of Princes into a harmonious whole; that India does not contain 40 non-ruling educated and enlightened men worthy of sitting with the Ruling Chiefs.

9. However, far be it from me to offer merely destructive criticisms. I quite recognise the desire of Government to give the Aristocracy of India the influence which should be theirs, and if it is deemed necessary to utilize the influence and advice of the Native Chiefs on Imperial questions that affect the relations of the Imperial Government with Feudatory States, there is an easy way out of the difficulty. I should take the liberty of suggesting that there should be two Imperial Advisory Councils, one consisting of Ruling Chiefs only and the other consisting of sixty Notables for the whole of India. If the Government of India so desire, four or five Aristocratic members from the Assembly of the sixty Notables might be selected to assist the Chiefs in their deliberations on Imperial questions. These four or five members should be out and out the best and most tried men in British India.

10. The best thing, all the same, is to keep the Chiefs entirely apart from non-ruling Chiefs, and confine them to such questions as do not affect British India; but if it is thought essentially necessary that they should be consulted on British Indian measures of exceptional importance, then, as a compromise, I should suggest the addition of four or five carefully selected non-ruling Chiefs to their number. But as I have said above it would be wise to refer to them only such questions as concern the Ruling Princes of India and as come within their special province. If this is done—if the modifications I have suggested are adopted—then I have nothing more to say about the Imperial Advisory Council. I do not wish to reflect in any way upon the qualifications or abilities of Native Chiefs in general, some of whom are as clever and versatile as any eminent Indian Statesman, but these are exceptions and not a rule. Under the circumstances, if the vitality of the Imperial Advisory Council is to be kept unimpaired, then only such questions as they are qualified to pronounce an opinion upon, by reason of their personal experience, should be referred to them. The course of forming two Advisory Councils that I have suggested will on the one hand give the Native Princes an opportunity to give their opinions on questions of sufficient moment to themselves and so would establish happy relations between the paramount power and the feudatory Native States, while on the other hand, the other Council of forty Notables including territorial magnates of every province and landlords and leading merchant princes of every province would give a direct representation to the stable classes of British India. With these few remarks I will now pass on to the Provincial Advisory Council.

PROVINCIAL ADVISORY COUNCIL.

11. As to the Provincial Advisory Councils, I fail to see what kind of work can be constantly referred to them by the Local Government, when we take into consideration the fact that the number of questions of public interest is limited, and that all Imperial things go to the Imperial Advisory Council. When we still further take into consideration that provincial measures are to be discussed in the greatly enlarged Legislative Council, it is apparent that there will not be sufficient business for the consideration of a Provincial Advisory Council. Still that depends a great deal upon the personality of a Lieutenant-Governor or a Governor of a Province if he be really anxious to find work for this Provincial Council and if he referred everything to them, he may succeed in getting some utility out of them, but I doubt very much that the majority of Local Governments would all the time consult a non-representative and irresponsible Advisory Council. In most provinces these local Notables will have not much to do, and their importance will, therefore, be minimized. It is only constant and important work which could give prestige to the Assembly. I may humbly suggest that it would be a good thing to put off the institution of the Provincial Assemblies of Notables for a few years till the public are educated to take a still more active interest in public affairs. Let us wait for the experience and result of the working of the Imperial Advisory Council. Then there will be time to consider the lines on which such Provincial Assemblies can be usefully employed. With these remarks I will now proceed to the consideration of the question of Mahomedan representation.

MAHOMEDAN REPRESENTATION.

12. As a Mahomedan, I am grateful to see—and the vast majority of Mahomedans, too, are grateful—that Government has recognised the principle of special representation for the Mahomedan minorities in the Provinces where they are actually in minorities. This is, as it should be, in consonance with the political and historical importance of a loyal community which the Government has recognised. But like all the gentlemen with whom I have conversed or communicated, I feel surprised, nay, I am painfully shocked, to learn that Government suggest nominating two of the four Mahomedan representatives. I feel constrained to raise my voice against such an arrangement. It must be remembered that in allotting four Representatives to us, Government give us no more than our due right of representation according to the number of the population. In common with the vast majority of Mahomedans I feel that we must be allowed to elect our four Representatives. If we are denied this, the result will be that we will have less elected members than what is our due in the Imperial Legislative Council. And that is no reason why Government should, out of these four, reserve the right of nominating two members and leave only two to the electorates. Government must remember that Mahomedans nominated by them cannot be of a representative character, and even if they be so, they can never carry that weight and importance which an elected and popular representative does carry. If Government had allowed two Mahomedans more than their purely numerical strength in the country deserved, then we could see the reasonableness of their right to nominate such two members. If it were a case of a special favour, then, of course, Government could very well reserve to itself the right of nominating two members. In giving them four Representatives, Government give them nothing more than what they are entitled to, and they are not justified in robbing them of two seats by reserving them for nomination. The Government sticks to the letter, but breaks the spirit. To be plain, of what Government gives with one hand it takes away half with the other. If the Mahomedans are allowed, as they ought to be allowed, to elect four members, the body of electors could easily be found. Those who pay a very high income-tax or who have very high scientific qualifications or who have held seats previously in the Legislative Councils in their respective provinces, or those who hold high honours and titles from Government, may be turned into a constituency for electing those four Mahomedan members. I take a strong exception to the proposal of Government to keep the nomination of two members in their hands. Government have not in the past distinguished themselves by the way in which they have selected Mahomedans for seats in the Councils. In some of the provinces for years together they have appointed the same members. These men have in a way monopolized the seats on the Council. If we look back to Bombay, for instance, for thirty years, we find that only three or four names from the City of Bombay itself appear as the members of Council. Again, in other provinces if Government ask the opinion of or obtain information from various individuals as I have constantly done, they will find a great deal of discontent in consequence of many deserving men being excluded from the Council owing to the faulty system of nomination. Government officials do not come into close contact with the people—and this is not due to any fault of theirs—but once they come into contact with an individual with whom they are impressed, they at once give him a lift and appoint him again and again to a seat in the Council forgetting that there are many others whom the officials have not had the good fortune of coming in contact with, but who are nevertheless able and well qualified to a seat in the Council, and are far more representative of real Mahomedan opinion that those who are official nominees.

13. Again as to the Mahomedans who are nominated to the Councils, I doubt that even a fair proportion of them would have ever been returned by electors. Only those men who take sufficient interest in public affairs would stand for election while in case of nominations by Government, men who are wanting in public spirit and who are not in touch with the masses, and therefore unable to represent them, will succeed in being members of the Council, either through advantages of birth or fortune or other adventitious circumstances. It will benefit

sycophants, and nincompoops who have no influence in the community and once such persons are lucky enough to get into Council they will enjoy the monopoly thereof. It is said that it is not necessary to throw open all the seats to election as gentlemen of position refused to offer themselves as candidates to an electorate, because they disliked canvassing. If these gentlemen have not the public spirit to canvass and the moral courage to face a defeat, why then Government should encourage men, who had not sufficient patriotism to come forward for election, by nominating them as Councillors. Therefore, as a loyal subject to His Majesty, and as the leader of the Mahomedan deputation that waited on His Excellency Lord Minto in October 1906, I protest most emphatically against the proposal of Government to give only two seats to Mahomedan electors, and I earnestly appeal to it to hand over all the four seats to the electors. I may add here that if Government persist in keeping two of the four Mahomedan seats for nomination, then I most respectfully urge that in fairness and justice to Mahomedans half the number of seats in the Imperial Councils allowed to Provincial electors should be filled by Government nomination instead of by election by Local Councils.

LOCAL LEGISLATIVE COUNCIL.

14. The question of local Legislative Council except in Bombay does not concern me. I have already expressed my opinion that the four Mahomedan seats for the Imperial Council should be reserved for election and the arguments that I have urged for it also hold good in the case of Local Council. As far as the general principle of election goes, I think that a fair arrangement would be to apportion the seats for Bombay like this :—

> One seat might be given to the Mahomedans of Sind, another to Bombay City, one to Northern and one to the Southern Division, and the fifth to the Central Division.

15. It may be urged that in some divisions the Mahomedan population is small, and, therefore, franchise should not be conferred upon them. But it should be borne in mind that persons living in one area are not acquainted with the peculiar needs and conditions of other areas, and, therefore, each division should be allowed to send one representative. The electors should be those who pay a high income-tax or the University graduates. So far as the City of Bombay is concerned, the standard of qualifications required for electors might be raised by fixing the amount of income-tax at double the amount required from the mofussil electors and the educational qualification should be M.A. instead of B.A. But in case the Government at any time considered it necessary to have expert Mahomedan opinion they might nominate their own man.

16. In conclusion, I beg to state that I have offered the criticism in no carping spirit. I recognise the good intention of Government to broad base the fabric of Legislative Machinery and I have spoken my mind frankly and fully because I am convinced the value of the reforms will be judged by the results and if they fail to produce the desired end, then it will give a peg to the agitators on which to hang their real or imaginary grievances. I am, therefore, much concerned with the success of the experiments and if the shortcomings in the Government proposals that I have pointed out are remedied a distinct step forward would be said to have been taken towards safeguarding the interest of minorities. I, therefore, once more, humbly pray to Government to uphold my arguments and hand over the four Mahomedan seats for election.

Report of the Commissioner in Sind.

No. T.-255, dated the 11th February 1908.

From—A. D. Younghusband, Esq., C.S.I., I.C.S., Commissioner in Sind;

To—His Excellency the Right Honourable Sir George Sydenham Clarke, G.C.M.G., Governor, and President in Council, Bombay.

Right Honourable Sir,

As desired in Government Resolution No. 6533, dated the 31st October 1907, I have the honour to submit my opinion on the proposals for the enlargement of Legislative Councils and kindred matters contained in the letter of the Government of India in the Home Department, No. 2311, dated the 24th August 1907.

2. On the merits of the general policy underlying these proposals it is scarcely necessary that I should enlarge. I accept unreservedly the view of the Supreme Government that an experiment should be undertaken in the direction of constituting Imperial and Provincial Advisory Councils and of enlarging the existing Legislative Councils on a more popular and really representative basis.

3. But, in considering this policy from the point of view of the Province of Sind, I cannot but feel that the occasion is one for laying special emphasis on the utter natural aloofness of this Province from the Presidency of Bombay, to which, for administrative purposes, it has been annexed, but from which it is geographically remote and in physical characteristics dissimilar, and with the population of which its people have nothing in common, and practically no sort of inter-communication. If then in the administration of Sind the views of the people are to be more largely consulted than at present, it is essential to secure that it shall be the views of the people of Sind, and not of the people of the Bombay Presidency. A separate Legislative Council is not suggested; but it is hoped that the present opportunity may be taken of securing for Sind more direct representation, both on the Imperial and on Your Excellency's Legislative Councils. On the other hand, Sind questions should be entirely excluded from the scope of the references which may be made to any Advisory Council constituted for the Presidency. If Sind is to have the benefit of a Provincial Advisory Council at all, it should be a separate Council of its own, sitting in the Province, and treating the questions referred to it from the point of view of the people of the Province.

4. With regard to the proposed Imperial Advisory Council, it is enough to say that it is hoped that His Excellency the Viceroy will be able to see his way to the appointment of at least one Sind member, and will realize that no ruling Chiefs or territorial magnates of the Presidency can be regarded as having claims to represent the people of Sind. I may here add that the suggestion of the Karachi Chamber of Commerce for the provision of some representation of commercial interests on the Imperial Advisory Council appears to me to deserve sympathetic consideration.

5. On the enlarged Imperial Legislative Council also it is hoped that room may at least occasionally be found for one special representative of Sind interests, which are at the same time very largely Mahomedan interests. Perhaps the simplest suggestion, and the one presenting least difficulty, to this end is that Sind should be added to the number of Provinces to which the 18th paragraph of the Government of India letter proposes to give in rotation the privilege of electing a Mahomedan member. If this should for any reason be deemed impracticable, it can only be hoped that His Excellency the Viceroy, in his selection of representatives of minorities and special interests, will occasionally be pleased to take into his consideration the exceptional conditions of Sind.

6. Turning now to Your Excellency's Legislative Council, it is to be hoped that any enlargement of this which may be in contemplation will include a larger representation of Sind, no less than of the divisions of the

Presidency proper. At present the jaghirdars and zemindars of Sind paying Rs. 1,000 land revenue return one member to the Council, the number of the electorate being 989. And in practice the Chairman of the Karachi Chamber of Commerce is usually or invariably nominated to one of the seats at Your Excellency's disposal. The Chamber have expressed a wish that the privilege of recommending a representative, which formerly belonged to them, may now be restored, and it is hoped that, along with other reforms, there will be no difficulty in making this small concession, which would not practically affect the constitution of the Council.

7. I would strongly advocate the addition to Your Excellency's Council of a representative of Sind Municipalities, to be elected on lines similar to those now prescribed for the Municipalities of the Northern Division. The Hindus of the Province, though numerically a minority of the population, are an exceptionally able and influential minority, whose views deserve attention. The best of them are to be found in the large towns, where indeed the majority of the population is Hindu; and a member returned by the Municipalities might be expected ordinarily to be a Hindu, and would primarily represent Hindu interests. If such an additional member is allowed, it would perhaps be advisable to stipulate that the representative of the jaghirdars and zemindars must be a member of their own body. Even so there would always be some danger of the seat falling to a Hindu whose real interests were far more urban than rural, and whose land-holding qualification was purely incidental. From some points of views it might be desirable to insist on the zemindars' representative being always a Mahomedan; but I am disposed to deprecate any unnecessary stress being laid on racial or religious distinctions; and I do not consider it necessary in the present connection.

8. The conditions of the Municipal franchise in Sind are not in my opinion open to the criticism suggested in paragraph 21 of the Government of India letter. The qualification alike for voters and for councillors is payment of not less than Rs. 10 house-tax or Rs. 20 direct taxes of other kinds. There has never been any complaint of Municipal councillors being elected who have not a substantial stake in the Municipality. And I do not anticipate any such danger in respect of persons who may be elected to represent the Municipalities in the Legislative Council. There seems therefore no need for introducing special qualifications for such persons. Proposals similar to those in paragraph 22 (*c*) of the letter have, I may observe, been repeatedly and exhaustively discussed in Sind of late years, and a full report on the question was recently submitted to Government. The general view, in which I concur, is that election on a basis of class representation is unnecessary and unsuitable to the conditions of Sind, and that inequalities in representation resulting from Municipal elections can best be rectified by a judicious use of the power of nomination. A difficulty which has to be reckoned with here is that capable representatives of (*e. g.*) the Mahomedan interest are not invariably to be found in the particular Municipality.

9. Similar considerations apply to the qualifications prescribed by section 10 of Bombay Act I of 1884 for voters and candidates in the case of our District Local Boards. Should the future constitution of the Bombay Legislative Council be such as to justify any further representation of Sind than has been already suggested, it might be practicable to allow the District Local Boards to return a member, on lines similar to those at present prescribed for the District Local Boards of the Central and Southern Divisions of the Presidency. But it is to be observed that the rural interests, with which these Boards are concerned, will be already the special care of the representative of zemindars and jaghirdars. And perhaps it would be best that any further seats on the Council which it may be practicable to reserve for Sind should be filled by nomination of Your Excellency on the recommendation of the Commissioner in Sind, who will be in the best position to judge from time to time what special interests in the Province are most in need of representation, and what individuals can most safely and suitably be trusted to represent them. Among the special interests which might well receive their share of consideration are those of the Parsi and domiciled Christian communities, and of Indian traders.

10. As regards the Provincial Advisory Council, I have already expressed my view that Sind should be excluded from the purview of any such Council that may be constituted for the Bombay Presidency, and that, if advice on questions affecting the administration of this Province is to be sought from a Council, it should be from a local one, composed of inhabitants of the Province, and meeting in the Province. As to the constitution of such a Council, I am of opinion that it might include representatives of the Karachi Chamber of Commerce and Port Trust, of the Karachi and Hyderabad Municipalities, of the other Municipalities of the Province collectively, of the Local Boards, and of the jaghirdars and zemindars. The last-named representative, as also the representative of the Chamber of Commerce, would be identical with those recommended for the Provincial Legislative Council, and all Sind members of that Council, as also any Sind member or members of either of the Imperial Councils, should be *ex-officio* members of this local Advisory Council. The members should have the same status as members of Provincial Advisory Councils elsewhere.

11. Mr. Mules, Collector of Karachi, has suggested that the Sind Advisory Council should consist of any local members of the Imperial Councils and of Your Excellency's Legislative Council, together with representatives of each of the principal racial sections of the community. While on the whole disposed to prefer my own suggestion, I consider his a very good one, and should be quite prepared to accept it as an alternative.

12. I append the opinions of Collectors in Sind, together with those of other persons which have reached me either through them or direct.

I have, etc.,

A. D. YOUNGHUSBAND,

Commissioner in Sind.

From

THE BOMBAY PRESIDENCY ASSOCIATION,

Apollo Bunder, Fort;

To

THE SECRETARY TO GOVERNMENT,

GENERAL DEPARTMENT,

Bombay.

Bombay, 24th February 1908.

Sir,

We are directed by the Council of the Bombay Presidency Association to respectfully submit the following representation with regard to the proposals contained in the Letter from the Government of India, Home Department (Public), No. 2311, dated the 24th August 1907.

2. The Council readily acknowledge their appreciation of the Government's desire **to give the people of India wider opportunities of expressing their views on administrative matters**; to make adequate provision that **the needs and sentiments of the masses may find expression through those acquainted with their daily life and qualified to speak with authority on their behalf; to bring all classes into closer relations with Government and its Officers and enable them to take a more effective part in shaping the action of Government**; and, in the result, **to give them a larger share in the actual work of administration** and **more extensive employment in the higher offices of the State.**

3. The Council are grateful to the Government of India for **recognising the essential justice** of the claim that has been put forward on the public behalf in the above matters, and for declaring the conviction that it is possible without neglecting other interests and obligations to move forward gradually but in no grudging spirit towards **the fulfilment of the pledge which the people of India are entitled to regard as inviolable.**

4. The Council cannot at the same time refrain from expressing their keen disappointment and regret that the proposals put forward in the Government of India's letter are hardly calculated in any sufficient or satisfactory measures to carry out the Government's desire or to fulfil the Government's pledge. The Council however note with satisfaction that the proposals are only tentative and provisional and that Government have invited careful scrutiny, sympathetic consideration and detailed statements of desired alterations on behalf of the public. The Council thankfully avail of this invitation to submit for the consideration of Government the following representation showing in detail the objections they entertain and the alterations they would request.

5. The Council are fully persuaded of the advisability of adequate provision for the representation of the landed aristocracy and the mercantile and industrial classes in the proposed scheme for constitutional reform. But the Council cannot admit that the needs and sentiments of the masses will find expression through the Ruling Chiefs or the territorial magnates or the merchant princes or the leaders of industry,—whose interests are dissimilar if not adverse,—and who are neither acquainted with their daily life nor qualified to speak with authority on their behalf. Such needs and sentiments must find expression only through the educated class which has sprung from

the masses, which is acquainted with line in the village and in the smaller town; and which has mixed freely with the agricultural, commercial and industrial people. At the same time this Council take leave to doubt if the landed aristocracy and the mercantile and industrial classes are anxious to be afforded the opportunity of expressing their views on matters of legislation and practical administration by their own mouths. They as a rule have not the requisite capacity and would prefer to express their views through capable and trusted spokesmen, not confined to their own ranks.

6. The difficulty of Government in making their measures and motives generally understood and in correcting erroneous and mischievous statements of facts or purpose imputed to them, is due, the Council respectfully venture, to submit, to causes which it has generally been in the power of Government to prevent or provide against. The right of interpellation accorded in 1892 has failed of its full purpose, not so much because the elected non-official Councillors have been slow to avail of it to the fullest extent, as because of the restrictions unduly placed on the full exercise of that right, and the disinclination on the part of the members of Government, manifested with painful frequence, to reply with frankness and fulness. The Council have often observed with regret that the Official tendency has been more to resent the exercise of the right and keep the non-official members at arm's length than to take the public into the confidence of the rulers.

7. The proposed establishment of Advisory Councils is a measure which the Council would be disposed to regard with hopefulness if the proposal were unattended with conditions which must deprive it of the greater portion of its usefulness and may even render it capable of public mischief.

THE IMPERIAL ADVISORY COUNCIL.

8. The Government of India propose the formation of an Imperial Advisory Council for purely consultative purposes as follows:—

(*a*) It is to be composed of 60 Members for the whole of India including 20 Ruling Chiefs and a suitable number of territorial magnates of every Province where land-holders of sufficient status and dignity are to be found.

(*b*) These Members are to be appointed by the Viceroy and are to hold office for five years but to be re-eligible for appointment.

(*c*) They are to receive no legislative recognition and to be vested with no formal powers of any sort.

(*d*) Their functions are to be purely advisory and they should deal with matters specifically referred to them from time to time.

(*e*) They are to be consulted individually or collectively or by means of committees, at the will of Government. When occasionally called together either in whole or in part for collective deliberation their proceedings are to be, as a rule, private, informal and confidential, and would not be published although Government might make any use of them which Government thought proper.

9. The principal object in view is declared by Government to be free and close consultation whereby to elicit on administrative measures and proposals for action the opinions of those qualified to advise in all ranks of society. Such a Council is also to be an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

THE RULING CHIEFS.

10. The Council are at a loss to understand how the independent Rulers of Native States, which do not form part of British India, can appropriately or usefully form part of an organisation undertaken for these objects.

11. The association of the Great Ruling Chiefs with the Governor General in the guardianship of Common and Imperial interests, which has become more practicable because of the closer conformity of general principles and

methods of administration in the more advanced Native States to those in British territory, is acknowledged by the Council to be a measure likely to be of great benefit alike to the Imperial Government and to the Ruling Chiefs. But the Council venture to submit that such a measure however useful and admirable in itself can form no appreciable part of a constitutional scheme intended to reform the administration of British India or to promote the welfare of its people.

12. No doubt common interests have arisen; and it is true that in such questions as those relating to famine and plague and education as also to customs, salt, opium and Abkari and Railways which affect the subjects of the Ruling Chiefs equally with the people in British India, the co-operation of the Independent Chiefs and Princes would satisfy a growing want, and tend to promote more intimate relations between the component parts of the Indian Empire. But the Council must point out that such co-operation will be the co-operation by Ruling Chiefs in their own States in measures recommended or approved by the British authorities. These measures might fairly be expected to be beneficial to their subjects. But it is not possible to claim for such a proposal any credit for reforming the administration, or for gratifying public aspirations, in British India.

13. The interests of the Native States have always appealed to the Presidency Association's sympathy and the Council would avail themselves of the occasion to submit that questions defining the relations of those States to the Paramount Power and questions relating to succession and adoption and the co-operation of the Protected States in the Defence of the Indian Empire may now well be recognised as matters on which also free and frank consultation between the Ruling Chiefs and the Governor General is desirable and is likely to satisfy a long-felt want.

14. For such purposes as the above the establishment and recognition of a determinate body of advisers from the ranks of the Ruling Chiefs would undoubtedly be a step which would commend itself to public opinion. The Ruling Chiefs may with dignity and usefulness find a scope there for the exercise of their legitimate influence, particularly if they are invited, as the Council respectfully think they ought to be, to take part therein not as nominees of the Governor General, but as entitled thereto, in the case of the greater Chiefs, by right of their own high position, and in that of others, by the suffrages of their compeers.

15. But to call upon the Ruling Chiefs to sit side by side with the territorial magnates who are subjects of the British Government, take a more prominent part in public life, render a larger measure of assistance to the executive, make known their feelings and wishes on administrative and legislative questions, and take a more effective part in shaping the action of Government in British India, seems to the Council of this Association undesirable in the interests of the Chiefs themselves, no less than in the public interest.

16. It cannot but injure the Ruling Chiefs in public estimation and in their own self-respect to be appointed members of a body with no recognised status and no real powers, whose members might be consulted individually or partially or wholly at will, whose advice and opinions might be disregarded, and whose responsibilities might be misapprehended. It can be neither fair nor kind to place them in a position where they must choose between the good will of those on whom the peaceful enjoyment of their powers in their own States must largely depend, and the interests of people outside their own territories with whose wants and grievances they can have no direct concern.

17. It cannot be to the public interest, to invest the Ruling Chiefs with any power to influence administration or legislation in British India. They are absolute rulers who can have little direct sympathy with the aspirations of the people for political progress. They have hardly any personal knowledge of administrative problems or of the wants of the people in British India. The great majority of Native States are too small to afford scope for a close study of great administrative problems. The Chiefs themselves have mostly been debarred from independence of thought and action. They cannot be expected to

understand, and still less to interpret the new aspirations which stir society to its depths in British India. There can be no frank interchange of views without equal knowledge, equal capacity, equal sense of responsibility, and, equal independence, on the part of those who consult and those who are consulted. These conditions do not and cannot exist in the case of the Majority of the Ruling Chiefs, under present circumstances.

THE TERRITORIAL MAGNATES.

18. The case with regard to the territorial magnates and the landed aristocracy is not dissimilar except that they are subjects of the British Government and are entitled as such to exercise their legitimate influence and to have their wants and wishes and views duly considered in all measures of administration and legislation. They may be expected to become valued mediators between the Government and those who come within the circle of their influence; and their co-operation in measures of administration, particularly in those relating to famine and plague, may become of increasing value as higher education penetrates to them and developes their fitness for such employment.

19. The Council however feel constrained to submit that the territorial magnates and the landed aristocrats generally have hitherto given no proof of their qualification for taking a more prominent part in public life or of their anxiety to be afforded the opportunity of expressing their views on matters of legislation and practical administration. Rightly or wrongly the effect of British Rule has tended not to develope but to obliterate their social influence and individual usefulness; and any attempt at artificial resurrection now would be undesirable, as it must be futile. The social evolution of the country can only be mischievously retarded by such attempts.

20. The Council note that in the Government of India's letter no argument has been advanced for giving to the territorial magnates what is obviously a disproportionate importance in the Advisory Councils. In the Bombay Presidency territorial magnates like those on the Bengal side do not exist. We have only the Tálukdárs of Gujarát, the Zamindárs of Sindh and the Sirdars of the Deccan. The sudden change in Government's estimation in regard to the landed aristocracy has been more a matter of public surprise than of public acceptance. They have hitherto been regarded very differently. The Statute Book bears witness to a number of measures passed to save these territorial magnates from themselves. In the course of the last 30 years five different measures * have been passed for the purpose. Many of them are hopelessly involved in debt, and are incapable of managing even their own affairs. Their encumbered estates are administered by Special Officers. Education has made no noted advance among them. Very few of them know the English language. The general level of their attainments is far from high. They have as much by their own short-comings as from circumstances beyond their control ceased to be the natural and hereditary leaders of the people. The Ryot has hitherto looked upon them with the acquiescence of the authorities as a class from whose oppression he required to be saved. Trade and industry have received from them no appreciable support. Nor have they shown themselves capable of enlightened sympathy with progressive movements.

* Acts XIV of 1876; XX of 1881; XI of 1834; XX of 1886; and 11 of 1906.

21. The Council have already admitted their title for the exercise of their legitimate influence, in so far as they are capable of doing so. But at the best they can express only one phase of Indian opinion, the opinion of a very limited and generally a selfish and an unenlightened class. Their dependence on the executive will, besides, hamper their freedom of opinion. The Council respectfully submit that to rely on their views or opinions as carrying with them the suffrages of the people would be a grave mistake and a public misfortune.

THE MIDDLE CLASSES.

22. One remarkable feature of the scheme for an Imperial Advisory Council is the total absence from it of the representatives of trade and industry, and the professional classes generally. It is difficult for the Council to understand if they have been excluded intentionally or inadvertently. But whatever the reasons

for their omission may be, the Council must submit that the great merchant princes and pioneers of industry have an equal stake in the country and are not less powerful and stable elements of Indian Society; and that the educated men of the middle classes have by their knowledge independence and disinterested devotion to the public interest secured to themselves the confidence of the general public which Government cannot prudently or safely ignore. The exclusion of these elements must necessarily create the suspicion that in the proposed reform the authorities wished to retain the power to select such opinions only as they will be pleased to hear, and to secure the same by preference from the least advanced and independent classes.

THE EXECUTIVE AUTHORITY.

23. The total exclusion of the elective element from the organisation of the Imperial Advisory Council cannot be regarded as a step in constitutional progress or as proof of Government's confidence in those whose opinion and advice are declared to be **the indispensable foundation upon which good administration is built up.** If all the Members are to be nominated by the Viceroy the result must be that those only will be appointed who will be recommended by the local authorities, for His Excellency cannot be supposed to exercise the privilege from any personal knowledge. The local authorities are not likely to select or recommend as advisers those conspicuous for their independence or opposition to the prevailing policy, and the Viceroy's choice must be hampered thus on the side which should in the public interest find adequate representation. Appointed members are not unlikely to be swayed by the feeling that they should act in accordance with the wishes of those to whom they owe the honour of their recommendation; and to be deterred from expressing themselves with requisite freedom against the measures of those who have the power of influencing their reappointment. Even if they acted without such bias or fear the public could not be blamed if it attributed their agreement not to honest conviction but to interested complaisance. Such a result cannot be desired by Government and the Council trust Government will be persuaded of the advisability of providing against it.

24. If a determinate body of advisers is created requiring no legislative recognition; possessing no formal powers of initiative; to be summoned at will and consulted at pleasure; to have its opinions taken in such manner as the Executive may please, and its proceedings kept private, informal and confidential; to have its advice and opinions regarded or disregarded as the Executive may choose and not to be published but to be made use of as the Executive may think proper,—the consequence can only be what His Majesty's present Secretary of State for India declared in Parliament when speaking in opposition to Mr. H. Robert's amendment to the address (26-2-06):—

> **"I would point out that these Advisory Boards would have no responsibility and I doubt whether good results would follow."**

25. Such conditions and procedure as are above laid down will make the whole scheme valueless and illusory. It will only mean that the Executive will do what it has always done except that its selected advisers will have their names published and they will be called Imperial Councillors. It will be no improvement to have the choice restricted and the circle narrowed, when hitherto there has been no restriction and no limitation, and Government can consult whom they please and when and how they please.

26. The Council of the Presidency Association respectfully submit that there is no occasion for any protest that the authority and responsibility of the Executive Government should remain unimpaired. They are not aware that any responsible spokesmen or representative voicing the growing aspirations which it is the purpose of the Government Scheme to satisfy have desired otherwise. All that has been claimed by them is that their authority should be less uncontrolled and their responsibility made more amenable to public opinion.

27. No control can be exercised by a body which has **no legislative recognition** and which is **vested with no formal powers of any sort.** The privilege of being consulted will be a barren privilege if matters are to be referred to it only when the Executive is so minded and if there is no guarantee that its views shall be respected. Its work will be a thankless task when there is no security that the public shall know its true opinions and advice. **Individual** consultation will only give rise to interested intrigues to which **secrecy** will only ensure security from the risk of exposure. No useful assistance can be expected from a body whose deliberations are to be shielded from public knowledge and public criticism by being kept **private, informal and confidential.** Opinion and advice so evoked can neither be representative nor free. They will not be representative because they will be the advice and opinion of a privileged and select few. They will not be free when there is no power of initiative and no right to discuss the general policy, and when even the right of petition—the right to express popular wishes and wants and seek relief—is withheld. There can thus be no legitimate or proper outlet for public opinion through such a body; and official responsibility will remain as distant from its reach and influence as it has been hitherto.

ORIENTAL POLICY.

28. The letter from the Government of India seeks to defend the scheme as **in accordance with the best traditions of oriental policy which has always recognised that the Sovereign should consult competent advisers and should after consultation exercise his rule in accordance with what he deems to be the best mind of his people.** It adds, somewhat gratuitously as the Council are constrained to think, that the **scheme would thus be no innovation in principle as are some applications of Western methods to Eastern society.** The Government of India seem to the Council to have paid greater attention to Oriental Policy in the days of its decline than in those of its prime. When Oriental Princes held consultations in open Durbar they paid homage perhaps unconsciously to a form, no doubt very crude, of representative Government. No Oriental Prince as a rule set aside at his will the opinion of the majority of those whom he consulted, and acted as he pleased, if he was a really sagacious and successful Ruler. In all well regulated and settled States, the advice of those consulted in open Durbar was substantially as little liable to be set aside by the Prince's prerogative as any measure passed by the Houses of Parliament is liable to the Sovereign's Veto under the British Constitution. Neither must it be forgotten that the Oriental Ruler had advantages which Rulers who are not of the same race cannot enjoy; and that to the latter the checks which prevail against arbitrary authority in the West are all the more necessary than to the former.

29. The Council of this Association would moreover respectfully request attention to the fact that the Policy to which the Government of India now seem so strangely inclined was when propounded nearly 50 years ago deliberately abjured by the British Parliament. Prior to the passing of the India Council's Act of 1861 Mr. Ayrton in the House of Commons and Lords Ellenbourough and Grey in the House of Lords had suggested the adoption of similar Oriental Policy without acceptance. Mr. Ayrton had asked Sir Charles Word to strike out may of the complicated provisions of the Act and to **render the whole measure more consonant with the simplicity of Asiatic Ideas.** Lord Ellenbourough had declared that the best form of legislative machinery suited to India was **the Durbar in which an Indian Prince would simply consult his subjects and ascertain their wishes and would then act as he thought proper.** His Lordship had also advocated that **the Council should carry on its business in Secret Sessions and in confidential intercourse.** Lord Grey had moved an amendment to the above purpose, but the amendment was negatived without division after the Earl de Grey and Ripon had declared on behalf of His Majesty's Government that the amendment **sought to establish a body of a novel character and without precedent in any previous system pursued of England since the acquisition by it of its Indian possessions.** Such a Council, Earl de Grey and Ripon said, " **would have no real power, would be unable to influence the Governor General**

and would find its opinion constantly disregarded in which case men of influence and weight would decline to sit upon it and as a deliberative body it would fall into desuetude and disgrace."

30. The Council of this Association would have been disposed to view with considerable alarm the Government of India's declaration in favour of oriental policy and its traditions but for the recent unmistakable declaration at Arbroath of His Majesty's Secretary of State for India himself—

> **"We are representatives not of Oriental civilisation but of Western civilisation, its methods, its principles and its practice."**

This is the lesson which India has learnt, and the policy India has been taught to appreciate and to accept, from its earliest connection with British authority, and the Council feel sure that any departure therefrom and any attempt to slide back to oriental traditions at this late hour would tend only to disturb the public mind and to discredit the Government's position.

31. The scheme for an Imperial Advisory Council seems to the Council, therefore, to require complete modification if not abandonment. With the exception of the purposes for which the Ruling Chiefs may well be consulted as above submitted, there seems no real scope for its usefulness. The Administrative measures with regard to which in the main Advisory Councils are to be created and utilized will not always be the same for all India. With regard to them the Provincial Councils with, as the Council venture to suggest, District Advisory Councils are all that is required. The Government of India will of course always be kept informed of the advice and opinions of these bodies. An Imperial Advisory Council would, so far as it confirmed such advice and opinions, be a superfluity; and might, if it disagreed with them, become an embarassment, or, if it helped to overrule them, be a source of grave mischief.

THE PROVINCIAL ADVISORY COUNCILS.

32. With regard to the Provincial Advisory Council, so far as the provisions and conditions, to which the Council have drawn attention above, apply to them, the Council of this Association trust they need not repeat the objections and the desirable alterations to which they have thought it their duty to request the attention of Government in the above remarks.

The Council note that the Government of India desire that the local Governments should be furnished with a selected body of advisers **chosen upon a wider basis** whom those Governments should consult upon all measures of importance; and that it deems it **"Essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included in these Advisory Councils.**

33. It is suggested that the number required for this purpose might be made up by adding to the Provincial members of the Imperial Advisory Council representing the great land-holders of the Province, representatives of the other important Provincial interests who would be nominated for the Viceroy's approval by the Head of the Local Government. The Council have already submitted that the Ruling Chiefs should find no place and are not entitled to any voice in the consideration of measures of administration in British India. There are no such territorial magnates in this Presidency as the Maharajas of Burdwan and Benares and Durbhunga. The landed interests and the interests of commerce, industry, capital, and the professional classes should, the Council respectfully submit, be represented in the Provincial Advisory Council by a commensurate number of elected Members, if Government really desire to bring these classes into closer association with the authorities, and to enable them to have an effective voice in shaping the action of Government in regard to measures of administration and proposals for action.

34. The mode of Procedure laid down in the scheme should, the Council respectfully request, be so modified as to leave ample scope for initiative and independent usefulness. The Advisory Councils should be left free to suggest action, or submit advice, or formulate objections, as might be necessary in respect of all important measures affecting the population within their Province, instead

of being restricted to such functions only at the will of the authorities. Such measures should be statutorily determined. The Council also request that the provision for individual consultations ought to be omitted; as such consultations are more likely to injure than promote the public interest by encouraging intrigue and giving free play to interested motives, by creating distrust among the members themselves, and by removing all sense of responsibility from the entire body. The Council of this Association venture to believe that such a modification will not be unacceptable as the Government of India have themselves declared that they **attach the highest importance to collective deliberation since opinions thus obtained are different from and frequently more valuable than those elicited by individual consultations.** The Council would further request that such collective deliberations should not be private and confidential but should be open to public knowedge and public criticism which alone can ensure the necessary sense of responsibility on the part of the Advisory Councils; and the necessary confidence in them on the part of the people concerned.

35. The association of the non-official Europeans with the Indian representatives in the Provincial Advisory Councils is in every way most desirable. Such association however can be effectual in promoting a better understanding and in removing injurious prejudices and misconceptions only if common consultation and collective deliberation, which will furnish occasions for the necessary intercourse, are adopted in preference to individual consultations and private references.

36. The Council are respectfully of opinion that unless sufficient provision is made for giving effect to the advice and opinions of the Advisory Councils the Scheme must end in disappointment and discredit. If the Advisory Council unanimously disapprove of any administrative measure it should be abandoned. If two-thirds of the body disapprove of it, it should be altered to make it acceptable or should be postponed for a season. The best men available for such weighty functions would naturally avoid a position so disparaging when they know that their advice and opinions may be disregarded without check or control. Where there is no power there will be no responsibility. The men who will lend themselves to a position of questionable credit and doubtful usefulness will not be the men who can inspire general confidence. And in the result a scheme fraught with fair promise of excellent usefulness and capable of great extension as a constitutional experiment will, as was remarked by the Earl de Grey and Ripon in 1861, fall into "desuetude and disgrace."

DISTRICT ADVISORY COUNCILS.

37. The Council are strongly of opinion that District Advisory Councils at the lower end are more desirable than an Imperial Advisory Council at the higher. All the useful service that is expected of such Councils is not only more needed but is capable of being rendered more effectually and more advantageously in the Districts than in the Provinces or at the seat of the Supreme Government. The interests that are likely to be affected by administrative measures and proposals for action are more generally the interests of the population in the District; and there such measures and proposals are likely to be more keenly felt and to be discussed with more informed knowledge. The education and training for public usefulness which the newly created functions are calculated to afford will supply a needed want; and a healthier public tone and a larger sense of public responsibility will call into existence a class which will be the best interpreter alike of the Government's intentions and of the people's wants.

38. The Council trust they need not add that in the case of the District Advisory Councils they would request the same safeguards and modifications that they have requested for the Provincial Advisory Council, *viz.*:—

(*a*) The election of a majority of the Members instead of the nomination of the entire body.

(*b*) Larger initiative instead of the restricted function of giving advice only when the authorities please.

(*c*) Statutory determination of the measures on which they would be entitled to give advice.

(*d*) Collective deliberations in public instead of individual consultations or private references.

(*e*) Sufficient provision against the total disregard of the advice and opinions of those consulted.

39. With elected Members possessing the public confidence and voicing with knowledge and independence the public opinion: with unrestricted opportunities and greater initiative: with collective deliberations open to public knowledge and subject to public criticism: and with due provision for giving effect to their advice and opinions, the Advisory Councils—both District and Provincial—may be regarded hopefully, and may reasonably be expected to render excellent service both to the Government and the people. The Council of this Association trust, therefore, that the views and suggestions submitted above may commend themselves to Government as calculated to promote the wishes that have prompted the authorities to propound the scheme.

THE LEGISLATIVE COUNCILS.

40. Before proceeding to discuss the proposed changes in regard to the Imperial and Provincial Legislative Councils, the Council of this Association desire respectfully to submit their views in reference to the general remarks and propositions advanced in Sir Harold Stuart's letter on behalf of the Government of India.

41. The Council regret to note that the general tendency of these remarks and propositions is to disparage publicly the labours of devoted and disinterested men without good or adequate cause, and to discredit class which has necessarily failed to attract the sympathies of the authorities because it has criticised their acts and exposed their failings with knowledge, independence, and courage. It is for Government to consider if it is in accordance with their own dignity that in a public document on an occasion of such grave importance such official animosity should be publicly displayed. But the Council are respectfully of opinion that it is not in accordance with good policy for Government to draw a line of separation between the educated Indians and those whose assistance is openly invoked to furnish a counterpoise, indicating a marked distrust of the former alike undeserved and unconcealed.

42. That the masses of the population of this vast country are thoroughly loyal to the Sovereign was shown on the death of the great Queen Empress by a depth of grief and fervour of devotion which were as unmistakable as they were unexpected. This feeling of loyalty, the Council venture to declare emphatically, has permeated to the masses through the efforts not of the classes whose assistance is now invoked and relied upon, but of the educated Indians who have been so unwisely and ungenerously singled out for official disparagement and distrust.

43. In his speech before the Imperial Legislative Council at Simla in October last Sir Harvey Adamson after declaring that

> **"The Government of India have all along recognised that the unrest is not solely the outcome of seditious agitation but has its basis in the natural aspiration of the educated Indians."—**

complained that the large and generous scheme of reform formulated by Government to meet those aspirations had not been sufficiently appreciated as an earnest of their desire to meet the grievances. The Council think it their duty to point out that such a result is very largely due to the undisguised hostility to the educated Indians which unfortunately characterises the whole tenor of the letter in which the scheme of reform has been placed before the public. The Council hope and trust that neither His Majesty's Government nor the Government of India seriously entertain any such feeling; and they would respectfully suggest that in the public interest the impression which Sir Harold Stuart's letter has undoubtedly given rise to, may be removed.

THE ELECTIVE PRINCIPLE.

44. The absence of any recognition of the Elective Principle in Lord Cross's Bill was its great drawback; for it was generally felt that Parliament had disappointed the just aspirations of Indians for reform of the Councils on a partially elective basis, by ignoring the principle in the Bill, and leaving it for adoption to the good sense and discrimination of the Government of India only. It is necessary in this regard to quote the following from **Mr. Gladstone's** speech during the Debate on the Bill of 1892 :—

> **"It is evident that the great question—and it is one of great and profound interest—before the House is that of the introduction of the elective element into the Government of India. That question overshadows and absorbs everything else. It is a question of vital importance.....What we want is to get at the real heart and mind, the most upright sentiments and the most enlightened thoughts, of the people of India .....There are of course dangers in the way. There is the danger of subserviency. There is another danger and that is the danger of having persons who represent cliques or interests and who may claim the honor of representing India."**

45. The responsibilities of governing a country alien in religion, habits, manners, and modes of life and thought, particularly when as now it is undergoing vast and constant transformation must increase appreciably in the near future; and questions will arise which Government cannot be in a position to approach in ignorance of public feeling or by reliance only on the opinions of the selected few. It is by the aid of the elective element alone that Government would be enabled to judge how far the support of the people at large recommended any proposed or suggested measure of legislation. And unless the number of elected representatives was commensurate Government would not be adequately relieved of these grave responsibilities.

46. The Council feel in their duty to submit their respectful protest against the remark in Sir Harold Stuart's letter that **" it is admitted that in the case of the Provincial Councils the results** (of the introduction of the elective element) **have not justified the expectations that were formed."** The Council are not only not aware of any such admission but they would respectfully remind the Government of India that ever since 1893 the Governors and Heads of the Presidencies and Provinces where the reformed Councils exist have declared from their own personal knowledge their complete satisfaction with the work and their unqualified admiration of the assistance which elected Members of the Provincial Legislative Councils have performed and rendered from time to time. Even in the Imperial Legislative Council the services rendered by the elected representatives have been publicly acknowledged. The Council of this Association must for obvious reasons refrain from individual eulogy; but they cannot hesitate to remark that the elected Members have rendered more efficient, more valuable, and more constant assistance to good Government than the nominated Members either in the Imperial or the Provincial Legislatures.

THE PREPONDERANCE OF LAWYERS.

47. With regard to the complaint that the Elective System has given to the legal profession a preponderance in the Provincial Legislatures to which it is not entitled, and that it has signally failed to represent other important elements of the community, the Council think it their duty to point out that such a complaint is neither reasonable nor fair. No doubt the number of lawyers and pleaders is greater than the number of landholders elected by the District Boards and District Municipalities to the Provincial Councils; but there is a twofold fallacy in the argument which is sought to be drawn from it. In the first place no account seems to have been taken of the well-known circumstance that a great number of the lawyers themselves are landholders. In the second place it is forgotten that the lawyers do not sit in the Councils as the spokesmen or

representatives of their own particular and professional interests. The Professional class is not like the class of merchants or of landholders and has never sought to claim special representation.

48. That lawyers do preponderate is due only to their possessing the public confidence of all classes because of their capacity and their virtues. Their proficiency and success in their career give stronger and more trustworthy proof, than is otherwise available, of industry and capacity and self-denial. Their career forces them on the public attention and furnishes life-long training for the services required of them in the legislature. By education, observation, independence of thought and capacity to argue, they gain the suffrages of all classes as the men best fitted to give voice to their views and wishes. They do not seek to represent any single class; and they are impartial advocates of the interests of all classes. They are in no way dependent on the executive, and are therefore trusted as independent exponents of public grievances and popular aspirations. With minds disciplined by the study of law, and with accurate knowledge of its principles and practice, they are the fittest and most efficient representatives of the bulk of the population whose legitimate interests are chiefly involved in the work entrusted by the constitution to the Legislature. In every age and in every country the lawyers have been the champions of the people's rights and the defenders of their liberties. They have at once the knowledge to detect and the power to resist the illegitimate encroachments of authority. It is therefore not the fault but the merit of the elective system, that it has helped and will help to bring to the service of this country, with its diverse creeds and castes and races, those who combine with unselfish devotion and patriotism the highest qualifications to form a correct estimate of the greater problems which are likely to come to the front in greater measure, and which must be correctly solved, if our Legislative Councils are to accomplish the work entrusted to and expected of them.

49. There can be no force in the complaint about the preponderance of lawyers in the Legislature unless it can be shown that it has worked to the public detriment. The Council are glad to note that this has not been shown in Sir Harold Stuart's letter. The evidence furnished by the records of the improved legislature since 1893 points entirely to the conclusion that our legislation would show much poorer results if you strike out of it the work done by the lawyers. The Council of this Association must confine their remarks to the Bombay Presidency of which alone they can speak with full knowledge. They would therefore respectfully invite the attention of the Government of India to the work of the lawyers in the Bombay Legislative Council. They have represented and advocated alike the interests of the agriculturist and the occupant and the landlord and the Sowcar in recent revenue legislation. No one espoused the cause of the poor ryot in Gujarat with greater devotion and fuller knowledge than the distinguished pleader who represents the Northern Division of this Presidency in the local Council. When the Hon'ble Member's remarks were challenged in Council by the authorities he obtained a commission and assisted at the enquiry with unselfish devotion and untiring labour and the results of the enquiry not only established the substantial correctness of his views, but have led to administrative measures remedying effectively the grievances complained of. In the legislation affecting the District Boards, the District and Local Municipalities, as well as the Municipality for the city of Bombay, it was the lawyers and the lawyers in the main who moulded it to no small purpose in the interests of the urban and rural populations alike. During the recent debate on the Police Act their services were effectual in safeguarding the people's rights and in resisting illegitimate authority, as the success of the various amendments moved by them attests. These are only a few of the conspicuous instances of their valuable work, as the Council do not wish to trouble Government at greater length than is absolutely necessary.

THE EDUCATED CLASS.

50. The Council of this Association feel painfully the necessity of requesting the serious attention of the Government of India to the deplorable impression which has been created on the public mind by the unsympathetic if not hostile attitude evinced in Sir Harold Stuart's letter towards the class of educated men in this country. The gravest concern and wide-spread apprehension are

felt on all sides that the authorities should seek to eliminate from public life the educated element, and to divest the educated class of its legitimate influence in matters affecting the public at large. The educated class in India is the proud product of British Rule. It is the only class in this country imbued with ways of thought more akin to those of the rulers, and with keener and more sincere appreciation of the benefits conferred by and expected from good Government. Loyalty to British Rule had its origin in the enlightened appreciation of its present and potential good by the educated class which accepted it not as a necessity but as a benefit; and as already stated above that loyalty has permeated from that class to the masses. To discriminate between the legitimate aspirations voiced by the responsible leading men in that class and the illegitimate views to which they are opposed, is not a task beyond the capacity of Government. To alienate the entire class by denying its legitimate aspirations and leaving it no reasonable prospect of steady development is a course which ought prudently to be avoided. There is obvious danger in driving the educated Indians into a despondent mood by leaving them no occupation for present ambition and no hopes for the future. The British Government cannot afford to neglect, and cannot smother with advantage, the opinion of the educated class because it has become inconveniently articulate for some of the authorities. To draft a few of the educated class into official service will not be enough. The qualifications of the educated non-officials must be afforded free scope to control the conduct of public affairs and to supervise administrative action. It is by their co-operation that the rulers and the ruled among all classes will be brought together and official efficiency will not be impaired but will be strengthened. The educated class must mould the mind of the rising and future generations and to look upon it with unconcealed distrust is a policy which only the enemies of British rule can view with approval.

THE POLICY OF COUNTERPOISE.

51. The keynote of the proposals for reform is the creation of a counterpoise to the influence of the educated class. This of course will be no difficult task. The highest and lowest classes are generally adverse to the thinking and intellectual class. The former oppose it because its tendencies are hostile to their interests; and the latter because those tendencies are apt to assail their prejudices. But the task will be unworthy of enlightened and beneficent statesmanship.

52. There can be no objection, and there should be none, to Government giving to the landed and monied classes sufficient inducement to enter political life and full scope for the exercise of their legitimate influence. But for Government to call to their aid the interested and the unthinking in order to check the increasing influence of those who advocate reforms commensurate with the growing needs of advancing communities is altogether different and altogether objectionable. The counterpoise may for a time help to maintain the Executive at its present level of excessive power; and though the Council of this Association cannot believe that such is the intention, they cannot disguise from themselves that such will be the end; and they must respectfully point out that such an end will not be compatible with Government's desire to rally the better mind of the communities to their side.

53. The Council respectfully submit that the proper aim of the reforms now required should be not cleavage or counterpoise but the readjustment and expansion of the proportionate representation of the different communities so as on the one hand to enable Government to secure the benefit of the knowledge, experience, advice and co-operation of the most capable and the best trusted representatives of all classes and interests; and on the other to stimulate and encourage the latter to strive and work for the common good by promoting the advancement and welfare of all, irrespective of class and race and creed.

TERRITORIAL REPRESENTATION.

54. The Council must take exception to the remark that **territorial representation is unsuited to India.** The territorial principle cannot be unsuitable in regard to the requirements of administration and legislation when it has entered so largely into the people's life in so many directions.

55. There can be no more rigid institution than the caste system among Hindus and even that has been penetrated by territorial influence. Homogeneous institutions like the Brahmin and other castes are divided into sub-castes on the basis of territory, so that men of the same caste are prohibited thereby from intermarriage and not seldom from interdining. The Mahomedans too are divided by territorial influence into distinct bodies like the Punjaubee Mahomedans, the Mahratta Mahomedans, and the Bengalee Mahomedans; and the Guzeratee Bohras and the Cutchee Memons.

56. Indian Kingdoms and Principalities were founded and based only on the territorial principle. There has never been a King of the Mahrattas or a Raja of the Rajputs or an Emperor of the Punjaubees. We have only had the Emperor of Hindoostan, the Nizam of Hyderabad, the Raja of Satara, the Nawab of the Carnatic, the Maharajas of Udeypore and Mysore and Kolhapore, the Gaekwar of Baroda, the Holkar of Indore, or the Scindia of Gwalior.

57. Hindu law has not stood unaffected by the territorial principle; and to-day the High Courts interpret and administer it differently in the different provinces according to the commentaries of the learned with their distinct modes of interpretation, and separate schools of thought, in Calcutta and Benares and Madras and Bombay.

58. From the earliest times the village community has formed in India the unit of the political and administrative system. Each village community was an organic whole composed of men of different castes and creeds and containing men of every occupation such as the priest and the land-owner, the cultivator and the tradesman, the carpenter and the smith, the potter and the barber, the shoe-maker and the sweeper. Its only basis was the land or territory it occupied. This system has stood every test and has come to be recognised as that most suited to the country. It was accepted alike by every Hindu and Mahomedan Ruler; and if of late it has failed to be so recognised and accepted the change has not counted towards progress or public welfare.

59. It is a grave mistake in spite of all this evidence of the effect of territorial influence on the national life, to declare that territorial representation is unsuited to India, and to endeavour to replace it by a system of artificial devices injurious to the public interest, and of racial and class and religious distinctions, which can only promote discord and disunion.

THE PROPOSED ELECTORATES.

60. All attempts to base political institutions on considerations of class interests or caste prejudices or racial and religious differences seem to the Council of this Association so entirely dangerous that they earnestly request the Government of India to give their most serious consideration to the all but universal protest and the general feeling of alarm and distrust with which the proposals contained in Sir Harold Stuart's letter have been received.

61. These attempts involve a violent departure from the principles and policy hitherto recognised and pursued by the British Government, which has always stood outside all class and racial and religious considerations with strict impartiality. Such a departure will only increase the difficulties of Government by placing it in opposition to the powerful tendencies which now prevail and which have been fostered hitherto by wise persistence in the strictest neutrality. If racial and social idiosyncracies and differences have not altogether ceased to exist, they should not be utilised for marking the ultimate direction, or shaping the final aim, of the policy which Government should pursue. To bring the differing races and creeds into harmony with each other, and to induce the best minds in all communities to apply themselves to what is necessary and practicable for promoting the common good should, the Council earnestly submit, be the only aim of British policy, and the great task to which Government should apply itself.

62. The electors hitherto have paid little heed to race or creed or social rank, but have chosen the men who most faithfully represented and were capable of most effectively enforcing their views. Instead of encouraging this course

the new Policy will encourage class ascendancy, and religious and sectarian partisanship with the inevitable result that Government itself will be distrusted by one party or another.

THE PREPONDERANCE OF HINDUS.

63. If under the present system the Hindus largely preponderate and comparatively few Mahomedans have been elected that is due to causes which have not been fully recognised in Sir Harold Sturat's letter.

64. Electorates everywhere are based on numbers, property, and education as the main qualifications. If the Hindus are an over-whelmingly numerical majority, and if the qualifications of property and education are found in them in no smaller proportion than in others, they are in the Council's opinion perfectly entitled to proportionately larger representation than any other community. Every attempt to interfere with a right so obvious must lead to discontent which it is not prudent to provoke nor safe to despise.

65. To single out 62 millions from a population of nearly 300 millions for exclusive and exceptional treatment on account of their religion would be an attempt impolitic enough to be perilous. If the Mahomedans under special or exceptional circumstances require their proper rights or interests to be safeguarded by special measures, the same consideration and the same protection should be afforded to the Hindus under similar circumstances. To leave the Mahomedan majority where it exists unfettered, and to seek to provide checks against the Hindu majority alone, must appear to the latter an act of intolerance on the part of Government which they are entitled to resent.

66. When it is proposed in the case of District and Local Boards to distribute the seats set apart for election among occupational groups of Hindu landholders, cultivators, traders and professional classes and to select certain castes as representing each group, the question must arise why when there are Mahomedan cultivators, traders, landholders and professional classes there should be a differential treatment of the latter from the former. The Council can see no justification for the different and contradictory lines thus suggested for the election of Hindu and Mahomedan representatives.

67. It is said in Sir Harold Stuart's letter that the general principle to be borne in mind is to give the widest representation to classes, races and interests subject to the condition of maintaining the official majority. Apart from the reasons and considerations submitted above, the Council respectfully take leave to doubt if such an attempt would be practicable.

68. As regards interests, the Council fail to see what is the Mahomedan or Christian or Parsee interest which is opposed to the Hindu interest in matters of legislation. Conflicting interests arise and come into play only in the case of Government employment and Government favours in matters of administration. As long as the same laws are made and administered irrespective of race or religion or caste, there is no need and no good ground for recognising differences between Hindus and Mahomedans in the Legislative Councils whose primary concern is to make laws. The interests of Mahomedans and Hindus are identical under British Rule, and the best way of safeguarding and promoting them is for Hindus and Mahomedans to work together in a spirit of co-operation and mutual sympathy. What is most desirable is to keep out what is narrow and bigoted, and to rally to the cause of good Government the sound sober and conciliatory element from both the communities, so that the Mahomedan and Hindu members in our Legislature may be regarded and may regard themselves not as representatives of their respective communities but of the electorate as a whole.

69. This is the policy which has been hitherto followed; and its tendency has been unmistakably to unify the different races, classes and creeds into a political whole. The Council cannot believe that it is desired to counteract this beneficent tendency; and the Council trust that the Government of India will eliminate from their proposals the devices and distinctions which are calculated to have that effect.

70. Attention has been invited to the address of the Mahomedan Deputation to H. E. the Viceroy, in October last, and it is observed that the Government of India concurred with the presenters of the address who had complained that neither in the Imperial nor in the Provincial Legislative Councils had the Mahomedan community received a measure of representation commensurate with its numbers and political and historical importance. As regards numbers the Council will not repeat what they have already submitted above. It must not be forgotten that there is a large Mahomedan population of Hindu descent living in the same way as, and with habits and modes of thought akin to those of, the Hindus in many parts of the country.

71. As regards political and historical importance it is necessary to point out that too much stress has been laid on the point; and a good deal of what has been urged is historically incorrect. The Mahomedan Empire was already in its decline when the British power came upon the scene. The Mahratta power was then at least not less important politically. The Rajputs were certainly not less important historically. With the exception of Deccan Hyderabad and Bhopal there is no Mahomedan Native State of first class importance like Mysore and Cashmere and Travancore, or the Mahratta States of Baroda, and Kolhapore and Indore, and Gwalior; or the Sikh States of Patiala and Nabha, or the Rajput States of Udeypore and Meywar, and Jodhpore, and Jeypore.

72. With the exception of those Mahomedans who strive naturally enough to get a larger share of public employment and honours, the wants and needs of the Mahomedan masses, agriculturists, artisans, merchants, traders and labourers are very much the same as those of the population of which they form part. Whatever might be imagined and said to the contrary, their attitude towards the Anglo-Indian administration and their views of local questions are identical with those of their Hindu neighbours.

73. That the great and important Mahomedan community should have adequate representation in the Councils and in all public affairs is what this Council are prepared to advocate and recommend without reserve. They have every sympathy with Mahomedan aspirations and they feel bound to point out that those aspirations have never been ignored but have always been promoted by the political activities of the Hindu and other communities in this country. Every movement for securing greater rights for the populations at large has benefited the Mahomedans not less than the other communities. It has opened up avenues for public recognition and for public employment to the Mahomedans equally with the other communities; and if the Mahomedans have failed to avail of it all to the extent they desire, the result is due to their unfortunate backwardness in taking advantage of the educational facilities provided by Government, and not to the selfishness or opposition of the other communities. Government themselves have used every effort to put them into line with the other communities and if the effort has not been as successful as it might have been it is unjust to ascribe the failure to any other cause than the want of sufficient materials and the absence of the requisite number of those qualified to avail of the advantages offered to all classes and communities without exception.

74. It is due to the general movement towards progress and development that the most capable Mahomedans have been able to secure some of the highest posts in the public service. The seats on the Benches of the High Courts and of the Magistracy have not been the monopoly of the Hindus, and if Mahomedans have been able to attain to them by their capacity and talents, it is due not to the special efforts of that community or the special favour of Government, but to the success of the general demand that the natives of this country should not find the avenues to the highest employment closed to their ambition and deserts.

75. In the Corporation of the City of Bombay every capable Mahomedan has been called to the President's post by the acclamation of all communities. In the Town Councils and Standing Committees a larger number of Mahomedan

gentlemen than was justified by the number of Mahomedans in the Corporation was elected by their Hindu and Parsee colleagues. In the Legislative Councils the Mahomedans have seats commensurate with their numbers and qualifications. The non-official members of the Bombay Legislative Council have never been guided in their choice by narrow distinctions of caste or creed or race. They have elected a Parsi and a Maohomedan and a Hindu with equal appreciation when he was the fittest for that honour. Sir Pherozeshah Mehta and the Honourable Mr. Sayani were elected with the same unanimity as the Honourable Mr. Gokhle. From Madras, too, the non-official Members of the Provincial Legislative Council have sent to the Imperial Council Mahomedan representatives like the late Meer Humayun Jah Bahadur, C.I.E., and the Honourable Nawab Syed Mahammed Saheb Bahadur, who has been chosen twice in succession for that high honour. From the United Provinces, again, the non-official Members chose the late Nawab Faiyazali Khan of Pahasu as their representative in the Imperial Council. The landowners of Behar, of whom nine-tenths are Hindus, unanimously chose at the last election the Honourable Mr. Sharif-ud-din, a Mahomedan, as their representative in the Bengal Legislative Council. These facts so creditable to the Hindus should not be lost sight of. In absolute justice to them it should be recognised that whenever really qualified representatives were available from the Mahomedan community, they have found no difficulty in obtaining the generous suffrages of their Hindu colleagues.

76. There is no reason whatever to doubt that, if such results can be pointed out in the short space between 1893 and now, better results will and must be attained with the increase of progress and enlightenment, provided of course the authorities do not interfere with mistaken measures which are calculated to encourage and exasperate racial and religious animosities.

77. There is no injustice in the fact that the Hindu representatives are found in a majority when on any and every secular test they prove themselves entitled thereto. To encourage any idea of injustice on that account can serve no honest purpose. It is not honest or fair to the Hindus to attribute their advantage to anything unworthy when the legitimate and solid claims of number, property and education are demonstrably on their side. It is not honest or fair to the Mahomedans to encourge delusive hopes and keep them in darkness as to the true causes of the backwardness of which they are becoming conscious and for which the remedy is so largely in their own hands.

78. To hold the balance evenly between Hindus and Mahomedans is undoubtedly an obligation of Government; and this Council accept unreservedly the principle that the representation of minorities should be adequately provided for. No scheme for providing such representation can give universal satisfaction; and the British Parliament itself has not succeeded in devising a scheme which can satisfy all parties. But the Council would respectfully suggest the following for Government's favourable consideration:—

(*a*) That the electorates should be fixed on a territorial basis.

(*b*) That the requisite number of members should be assigned to each electorate.

(*c*) That the proportion of Mahomedan and Hindu members should be determined according to local circumstances, whichever community happens to be in a minority.

(*d*) That the members should be elected by the general body of Voters.

79. Whatever arrangement is adopted to safeguard or protect the rights of the minority it is essential that such an arrangement should be uniform, and not devised specially in the interests of one community. Government cannot afford to introduce a scheme invidious to the Hindus, and open to the suspicion that the authorities favoured one particular community.

80. The Council must, therefore, submit the strongest objection to the adoption of the measures suggested in Sir Harold Stuart's letter (paragraph 17) for giving **additional facilities** and **special privileges** to the Mahomedan community by creating a **special Mahomedan electorate** to elect Mahomedan

Members exclusively, in addition to the Mahomedan Members who may secure election in the ordinary manner. These measures are bound to create in the public body feelings of race and religious animosities dangerous to peace and contentment; and in the legislature itself a spirit of faction which will mar the utility, and lower in public esteem the character, of the Legislative Councils.

81. The Council venture to believe that the proposals submitted by them (ante paragraph 78) would sufficiently protect the rights of the minority wherever it exists, avoid all invidiousness, promote no discord, and ensure the election of both Hindus and Mahomedans of the right type as the trusted representatives of the entire electorate.

NOMINATIONS.

82. It is stated that the Government of India do not think it necessary to throw open all the seats to election, but hold it advisable to reserve a proportion of seats to be filled as at present by nomination because Indian gentlemen of position refuse to be candidates before a wide electorate.

83. The obligation to seek the suffrages of the people compels those who seek it to consider the interests of their countrymen in general; and there is no reason why Indian gentlemen of position should escape it by refusing to be candidates before a wide electorate. The Mahomedan Deputation to His Excellency the Viceroy expressed in no uncertain language their dissatisfaction with the results of nominations. Generally they help only to create a non-effective if not mischievous element always ready and willing to conform to the wishes of those to whom they owe their selection. It is most desirable that people should know when Members agree with Government that the agreement is arrived at as the result of independent views. The value of the agreement is diminished when people understand that it is the expression of the views of those who are nominated and who desire renomination.

84. The system of nominations has only this to recommend it that it enables Government to redress the balance if and when the results of the elections render it necessary and advisable. The Council respectfully submit that with this power in their hands which can be exercised wisely and to good purpose, Government need not resort to any special and invidious device for safeguarding the rights of a particular community where it is in a minority.

85. Nominations will also be the only means for the representation on the Legislative Councils of the official element.

OFFICIAL MAJORITIES.

86. The Council respectfully trust that they need not entertain any apprehension of being accused of a desire to **dispute the legitimacy of the Paramount Power itself** if they take the liberty to deny the validity of the principle that the maintenance of a standing official majority is **the legitimate and necessary consequence of the nature of the Paramount Power in India.** Of course the principle is **accepted by Government;** but that does not and cannot mean that it has **never been disputed,** or, that it is **not an open question.** To argue that those who object to any particular form in which British supremacy is exercised object therefore to the existence of British supremacy itself is alike unreasonable and undignified on the part of the authorities. Nobody in India dreams of claiming that the Legislative Councils should **wield the sceptre.** All that is claimed is that they should not be reduced to a position of constant impotence and inutility.

87. The Government of India themselves admit that the provision for an official majority imposes **the necessity of limiting the number of Non-official Members.** It obviously therefore cripples so far the usefulness of the Legislature by preventing the adequate and efficient representation of the varied interests which are entitled to representation. This in itself would be sufficient cause for enquiring and considering carefully the necessity for the provision of official majorities.

88. The existence of a Standing Majority must minimise the sense of power and therefore of responsibility on the part of the Non-official Members,

and increase the sense of power and of irresponsibility on the part of the Officials. Both these results are to be deprecated and should as much as possible be provided against.

89. The Council can see no necessity for a numerical majority of Officials **strong enough to be independent of the fluctuations caused by the occasional absence of Official Members** when admittedly the withdrawal from their important administrative functions of such a large number of Officials of standing and experience cannot take place without **detriment to the public interest**. In the ordinary sphere of legislation, if the non-official members, both Indian and European, drawn from so many different directions and representing so many varied interests, were to combine and oppose the proposals of Government, it cannot weaken the power or injure the prestige of Government to yield to the opinion of such a majority. The time has come when it may be safely recognised that greater confidence on part of the Government in the people's representatives would beget greater confidence on the part of the people in Government itself; and that unreasonbale and excessive distrust on the part of Government can benefit neither the rulers nor the ruled.

90. Questions may no doubt arise on which it may not be advisable to yield to the opinion of the combined non-official majority; and among them the most important will be the questions relating to the Financial administration. In such a case what this Council would claim for the majority, is the power of delaying measures so as to ensure their reconsideration by the Government, or a reference to a higher constitutional authority, unless their emergency is such as to make any delay injurious to the public interest in the opinion of Government. In the latter case the power of veto which will always vest in His Excellency the Viceroy would be a sufficient safe-guard. In the former case the Council would request that if Government do not think it proper to reconsider their measures or proposals, the opinions of the majority may be recorded, and the matter may be referred to a higher tribunal as a Court of final appeal.

PARLIAMENTARY COMMITTEE.

91. This Tribunal or Court of Appeal should draw its authority and strength from the British Parliament. There is no question that under the constitution the Government of India and His Majesty's Secretary of State for India in Council are responsible to Parliament in the last resort; and there can be no question of the propriety of a Committee appointed by Parliament being the final referee, when the majority of members in the Imperial Legislative Council record their votes against the proposals or measures of the Government of India. Provision may be made for drawing up a reference, where the reasons for the majority's vote may be submitted, with the Government of India's reasons for differing from them.

92. Such a Committee should be composed of Members of both Houses of Parliament, and from both the great parties, so as to secure to the final authority the highest prestige, and the confidence of all parties. The liberty of action of the Government of India would be controlled only by the decision of Parliament through its appointed delegates, and their prestige and power would suffer no diminution, but remain as hitherto under the constitution. The only difference will be that the control of Parliament will be more real and effectual in matters of the greatest moment to the Indian people.

THE IMPERIAL LEGISLATIVE COUNCIL.

93. Under the India Councils Act of 1892 the number of Additional Members of the Imperial Legislative Council was fixed at not less than 10 and not more than 16. Under section 1 (4) of the Act, Regulations were framed by the Viceroy and published by Notification dated the 23rd June 1893 declaring that of the additional Members not more than 6 should be Officials, and that 5 should be Non-officials recommended, one each by the Non-official Members of the Provincial Councils of Madras, Bombay, Bengal and the United provinces, and one by the Calcutta Chamber of Commerce. It was left to His Excellency

the Viceroy to nominate at his discretion to the remaining seats not filled by the Officials such Additional Members as he pleased for the due representation of the different classes. The Members of the Executive Council, the Lieutenant-Governor of Bengal, the Commander-in-Chief, and His Excellency the Viceroy were to be Members ex-officio. The composition of the Imperial Legislative Council was thus made up of the maximum number of 25 as follows :—

9 Members ex-officio including the Viceroy.

6 Official Members.

4 Non-official Members elected by the four Presidencies and Provinces.

1 Non-official Member elected by the Chamber of Commerce.

5 Additional Members nominated by the Viceroy.

94. It is now proposed that the maixmum strength of the Imperial Legislative Council shall be 53 and including the Viceroy 54 made up as follows :—

9 Members ex-officio including the Viceroy.

20 Official Members.

18 Elected Members.

7 Members nominated the Viceroy.

THE NOMINATED OFFICIAL MEMBERS.

95. When the Official Members under the existing regulations were not to be more than 6 out of 25, the proposed change would increase their number to 20 out of 54. When the increase in the whole Council would be somewhat over double their present maximum number, the increase in the Official Members, would be somewhat over-treble their present maximum number. The only reason put forward is the necessity for an Official Majority. As to this the Council of this Association have already submitted their remarks.

96. If the figures are examined carefully, they show that His Excellency the Viceroy can always count upon a much too excessive majority. The elected Members are only 18, of whom the two recommended by the Chambers of Commerce will be Europeans. This Council cannot understand the necessity of a majority composed of 37 members, Ex-officio, Officials, nominated, and Europeans, against 16 elected Non-official Indian Members. They respectfully trust Government themselves will see the obviously excessive disproportion, and will be disposed to regard with favour this Council's request that there should not be more than 16 Officials as Additional Members.

THE NOMINATED NON-OFFICIAL MEMBERS.

97. The nomination of a Ruling Chief as an Additional Member seems to this Council neither necessary nor appropriate; and for the reasons already submitted above they would request Government, alike in the interests of the Ruling Chiefs themselves and of the public, to abandon the idea.

98. As to the 6 Additional Non-official Members to be nominated by the Viceroy as experts, and as representatives of minorities and special interests, of whom not less than two are to be Mahomedans, this Council respectfully trust that considering the variety of important interests that must remain unrepresented if the proposals are not altered, the Government of India will not be indisposed to reduce the number. There is already a provision for the special election of 2 Mahomedan Members; and the further provision for at least 2 Additional Nominated Mahomedan Members is not necessary. It is also, for the reasons already submitted above, very undesireable. This Council would therefore request that the number of Nominated Non-official Members may be reduced to four of whom the Viceroy may appoint as many Mahomedans as His Excellency finds necessary according to surrounding circumstances. It is by no means unlikely that the Provincial Councils themselves would elect

Mahomedans to the Imperial Council as the Councils of Madras, Bombay, and the United Provinces have already done, as shown above. Those of the Punjab and Eastern Bengal and Assam can with reason be expected at least to do likewise.

THE ELECTED MEMBERS.

99. It is more important in the public interest to consider the number and composition of the elected Members. As the proposals of Government stand their number is fixed at 18 to be elected thus:—

By the Chambers of Commerce	2
By the Non-official Members of the Provincial Councils ...	7
By the Nobles and great land-owners	7
By Mahomedans	2

It is submitted with the greatest respect that to leave 7 Members to be elected by the representatives of the vast masses who can be counted by so many millions and to reserve 11 Members for election by minorities and special interests, is calculated to cause the greatest concern, if not dismay, to those who have advocated a reform of the existing system. It is not a step towards progress but towards retrogression. The changes proposed are not for the general good of the masses, but for the special behoof of the classes. They seem intended not to satisfy the aspirations of the educated but to place the educated at a disadvantage. It is difficult to understand how if the Government of India believed as Sir Harvey Adamson declared on the 18th October last that **the unrest in India has its basis in the natural aspirations of educated Indians,** they could persuade themselves that they were giving a proof of their desire to meet the grievances by a change of which it is difficult to admit the justice or generosity.

100. The real increase of the people's representatives is from 4 to 7; and this increase is due to the addition of the 3 Provincial Councils of Eastern Bengal and Assam and of the Punjab, and Burmah, which do not now possess the privilege of electing representatives to the Imperial Council. The Council fail to see how the aspirations of the educated Indians in Madras and Bombay and Bengal and the United Provinces are met by including Eastern Bengal and Assam and the Punjab and Burmah within the pale.

THE GREAT LANDHOLDERS.

101. It is said that the Government of India are impressed with the necessity for giving substantial representation to the great landowners who not only constitute the aristocratic and stable elements in Indian Society but also represent the interests of landholders great and small. It is proposed therefore:—

(*a*) That seven Members should be elected direct to the Imperial Council—one from each Presidency or Province—by a provincial electorate varying in size from one hundred to one hundred and fifty composed of landowners paying not less than ten thousand Rupees a year as land revenue; or

(*b*) That a representative of the landholders should be elected to the Imperial Council by the landholding Members of the Provincial Councils either from among their own number or from landholders paying not less than ten thousand Rupees a year as land revenue; or

(*c*) That seven representatives of this class should be obtained on the Imperial Council by a system of nomination.

The Council of this Association are not surprised at Government's embarrassment. As regards the first, Government themselves point out how unsatisfactory and objectionable it may prove. As regards the second, it is difficult to understand what Government mean by the landholding Members, and if lawyers

and merchants holding land can claim the privilege. As regards the third it is perfectly intelligible and would certainly be feasible; but it would mean only an increase of the number of Government nominees.

102. It is, however, not the method of their election or their nomination by Government which need creat any concern. It is the proposal itself which is most objectionable. To give to an electorate of from seven hundred to one thousand privileged electors the same number of representatives as are given to so many voiceless millions in the whole country, has been universally felt as a painful mockery by those whose aspirations, admittedly legitimate, it is the avowed desire of Government to satisfy.

103. The insistence that the **Members elected to represent this class must themselves belong to it** has been interpreted as a desire on the part of the authorities to exclude from the Legislature the cultured and the capable, even if they command the confidence of the privileged few. This is not an unreasonable interpretation. Government have no right to restrict the choice of the seven hundred or one thousand landholders, and to insist that they shall not elect a man however capable and however trustworthy only because he is poor. What reason can there be to tell the landholders that they shall not elect representatives like the Honorable Mr. Gokhale, if such is their will and confidence?

104. This Council would earnestly request Government to reconsider this part of their scheme and to modify it so that the vast interests of the public at large may not be sacrificed to the interests of the privileged few. It has been already shown above that the importance attached to the latter is not in keeping with their present position. In the Bombay Presidency there are very few landholders who pay not less than Rs. 10,000 a year as land revenue. Neither can it be said fairly or correctly that they represent the interests of all landholders great and small. No doubt in a few of the other Presidencies and Provinces there is a larger and more-influential class of landholders. And if it is the desire of Government that they should be specially represented, this Council respectfully submit that the number of representatives allotted to them should not be more than three.

THE CHAMBERS OF COMMERCE.

105. The proposal to give the Chambers of Commerce in Calcutta and Bombay the right to elect two representatives, is one to which this Council will not object if at the same time the great Mercantile interests of the larger number of Indian Merchants are duly represented. The Indian Merchants are not excluded from the Chambers of Commerce in Calcutta and Bombay, but it is the fact that these Chambers represent principally the interests and wishes of the European Mercantile Community; and the interests of the Indian Mercantile Community will remain unrepresented as the proposals now stand.

106. In the Bombay Presidency we have the Millowners' Association, the Association of Piece-goods' Merchants, and a large and increasing class of other merchants and traders, who are entitled to equal representation with those whom the Chambers of Commerce represent. All over India this class is growing in numbers and importance; and this Council respectfully submit that Government should in justice to them make provision for their due representation in the Imperial Council by giving them the privilege of electing two members from all the Presidencies and Provinces. Those who pay a certain amount of Income-tax may be given the right to vote, and Electoral Colleges may be formed according to the importance and value of the different trades and industries in the different Presidencies and Provinces. If necessary the right may be exercised by rotation.

THE ELECTED REPRESENTATIVES OF THE POPULATIONS.

107. The Council respectfully submit that the number of representatives elected to the Imperial Council by the Non-official Members of the Provincial

Councils should be raised from seven to sixteen, so as to allow two members each to the eight different Presidencies and Provinces of (1) Madras, (2) Bombay, (3) Bengal, (4) Eastern Bengal and Assam, (5) The United Provinces, (6) The Punjaub, (7) The Central Provinces, and (8) Burma. The Imperial Council will thus be composed of :—

His Excellency the Viceroy	1
The Ex-officio Members	8
The Nominated Officials	16
The Nominated Non-officials	4
The Non-officials elected by the Chambers of Commerce .	2
The Non-officials elected by the Indian Mercantile Communities	2
The Representatives of the Landholders	3
The Elected Representatives from the Provincial Councils.	16
The Elected Representatives of the Mahomedan Community	2

It may be fairly presumed that the Government can count on no obstruction or unreasonable opposition from the 30 representatives composed of the Ex-officio Members (excluding the Viceroy), the Official Members, the Nominated Non-officials, and the Members representing the Chambers of Commerce in Calcutta and Bombay. These as against the 23 elected Members would for all ordinary purposes furnish a sufficient and reliable majority. The Council of this Association are fully persuaded that there is no desire anywhere at any time to defeat the Executive ; and that the legitimate aspirations of those who desire only that the public interests should be sufficiently represented shall be satisfied if the above suggestions are favourably received.

108. The Council would submit very earnestly that those who are allowed the privilege to elect the representatives should be unfettered in their choice, and that no restrictions of property or wealth may be imposed as to those who claim or may receive the confidence of the different electorates.

THE PROVINCIAL LEGISLATIVE COUNCILS.

109. The remarks submitted below have reference only to the Bombay Legislative Council. Under the Act of 1892 it was laid down that the number of Additional Members should, besides the Advocate General, be not less than eight and not more than twenty. Under Section 1 (4) of the Act, Regulations were framed whereby it was provided that in Bombay, of the persons, other than the Advocate General, to be nominated Additional Members not more than nine should be Officials, and that nominations to eight seats should be made by His Excellency the Governor on the recommendation of—

A. The Corporation of Bombay.

B. Such Municipal Corporations or Group or Groups of Corporations other than the Bombay City Corporation as the Governor in Council may prescribe by notification.

C. District Local Boards.

D. The Sirdars of the Deccan and such other class of landholders.

E. Associations of Merchants, Manufacturers and Tradesmen.

F. The Senate of the Bombay University.

Not more than one Member each was allowed to the Bombay Corporation and to the University Senate, and as regards the rest it was provided that at least one member should be nominated on the recommendation of each of them. It was left to His Excellency's discretion to nominate persons to such of the remaining seats as were not filled by officials as should in his opinion secure a fair representation of the different classes of the Community.

110. The Government of Bombay regretted (see Government Resolution No. 115 of 17th May 1893) that with the number of seats for election laid down by the Regulations **it was impossible to meet the legitimate wishes of the several public bodies to have the privilege of election granted to them.** They apportioned the 8 seats thus :—

3 to Local Boards and Municipalities.

2 to the Chambers of Commerce at Bombay and Karachi.

2 to the Deccan Sirdars and the Sind Zamindars.

1 to the University.

THE MUNICIPALITIES and DISTRICT BOARDS.

111. It is stated in Sir Harold Stuart's letter that at present the larger number of the elected members of the Provincial Councils, who again constitute the majority of the electorate for the Imperial Council, are chosen by the Municipalities and District Boards. That such is not the case in Bombay is shown by the above.

112. It is complained that on an examination of the franchises framed for the Municipalities and District Boards it was found that the qualifications required both for electors and for candidates were **extraordinarily low**. The qualifications for candidates and voters in the District Municipalities of Bombay are (under Section 12 of Act III of 1901) :—

(*a*) Every Honorary Magistrate.

(*b*) Every Fellow and every Graduate of any University.

(*c*) Every Advocate and every Pleader holding a Sanad from the High Court.

(*d*) Every Juror and Assessor resident in the District.

(*e*) Every person paying taxes, other than Octroi or toll, of an amount not less than the minimum fixed by the Governor in Council or the Commissioner.

113. There is one particular feature of this subject which ought not to escape attention, and that is the proportion of the ex-officio and nominated to the Elected Members in the District Municipalities and the District and Táluka Local Boards. The following are from the Administration Report for 1904-05 based on the Census of 1901 :—

MUNICIPALITY.

Division.	Population.	Ex-officio Members.	Nominated Members.	Elected Members.
Northern	743,823	135	204	181
Central	778,118	158	284	402
Southern	453,616	99	171	228
Sind	391,861	76	217	73

Thus for a total population of 2,380,745 within Municipal limits throughout the Presidency there were 2,252 Councillors of whom 881 alone were elected. The remaining 1,371 were made up of 473 Members Ex-officio and 898 nominated. In all there were 603 Officials and 1,643 Non-officials.

LOCAL BOARDS.

Division.	Area in Square Miles.	Population.	Members.		Elected.
			Ex-officio.	Nominated.	
Northern	13,710	3,513,532	11	390	327
Central	37,160	5,944,447	6	631	576
Southern	3,998	1,167,927	15	85	65
Sind	48,823	2,822,469	10	431	309

Here again for a total population of 17,351,827 (or 17 and a half millions nearly) there were 3,607 Members, of whom only 1,608 were elected. Of the remaining 1,999 the Nominated Members were 1,957. There were in all 762 Official and 2,845 Non-official Members.

114. It is not accurate to speak of the **franchises devised with a view to the management of Local affairs as the unsuitable foundation for the election of legislators.** It is not the elected Members of the Municipalities and Local Boards who alone choose the elected members of the Provincial Councils. All the Non-official Members including the Government Nominees choose them. Of the total Non-official Members in the Local Boards numbering 2,845 the Government Nominees number 1,237 or about 44 per cent. Of the total Non-official Members in the district Municipalities numbering 1,649 the Government Nominees number 753 or about 43 per cent. At present the Non-official members, of the District Municipalities in the Northern Division, and, of the Local Boards in the Central and Southern Divisions elect one representative each to the Provincial Council.

115. The Council of this Association are thankful that the Government of India **do not propose to withdraw from the District Boards and Municipalities the privilege of election to the Provincial Councils enjoyed for the last 14 years.** As regards changing the present system of voting it is not easy for this Council to criticise the fancy franchise proposals suggested in the letter. Neither will it be appropriate to do so until they know which of them has received the approval of the Local Government. The Bombay Government have enunciated no scheme as yet. In the Madras Presidency the Local Government have done so, and this Council need do no more than respectfully point to the result. There is very general disapproval and very painful disappointment.

116. It is stated that **a solution might perhaps be arrived at by introducing special qualifications for members of Council while leaving the electoral franchise in other respects unchanged.** This repeated desire to attempt to fetter the choice of those who are given the privilege of electing Members is perhaps the least satisfactory part of the Government proposals. That classes and interests and races and castes shall elect members from among their own class or race or caste is a proposal which has not unreasonably been regarded as an attempt on the part of the administration to emasculate the privilege for the purpose of replacing those who are the most capable and the most apt, by those who are likely to have no capacity or aptitude, to control or criticise its conduct.

117. It seems to the Council that the proposals to distribute the seats to be filled by elected among occupational groups and to select certain castes as representing each group is one unsuited to the conditions of the country, and impracticable. The suggestion that in a particular area to which 8 members are allotted 4 should be reserved for Mahomedans if their number is large enough, and that the remaining 4 should be distributed among Hindus so as to give one seat to landholders and one to traders and one to cultivators and one to artisans, seems to the Council invidious, because there is no fair reason for treating the Hindus differently from the Mahomedans; and incapable of realisation, because no such clear line of demarcation among the occupations exists anywhere.

118. There is no definite proposal before the public of the number and composition of the Provincial Councils; and it is difficult for this Council to know how the suggestions of the Government of India are to be adopted and carried out in this Presidency. They have already submitted their views as to the principles and general propositions advanced in Sir Harold Stuart's letter. It only remains for them respectfully to request that the following suggestions for the number and composition of the Legislative Council of this Presidency may receive favourable consideration. Admittedly, the Municipal and District Boards, the University, the Presidency Corporations, the Trades Associations, the Industrial Interests, and Indian Commerce, are essential elements entitled to adequate representation in the Provincial Councils. This Council would therefore propose that the Presidency Council may be composed of seventy-five

Members including His Excellency the Governor and the 2 Members of the Executive Council who shall of course be members *ex-officio;* and that the 72 additional Members may be divided equally into Elected and Nominated Members. The 36 Members may be elected thus :—

By the 22 Districts in the Presidency	22
N. B.—To provide for the representation of the urban and rural interests equally this Council would suggest that the 22 Districts should be formed into eleven groups of two Districts each with the right to elect two Members and that in each group the District Municipalities and Local Boards should elect one Member each.	
By the Corporation for the City of Bombay	1
By the Senate of the University	1
By the registered Graduates of 10 years' standing	1
By the Chamber of Commerce, Bombay	1
By do do. Karáchi	1
By the Millowners' Asscciation	1
By the Native Merchants	1
By the Sirdárs and Inámdárs of the Deccan	1
By the Zemindárs of Sindh	1
By the Tálukdárs and Khots (alternately)	1
Mahomedan Members (one from each Division) to safeguard the rights of the minority	4
	36

The 36 Nominated Members will be composed of course of Officials and Non-officials, and with regard to them this Council need do no more than request attention to what has been already submitted above in regard to the principles and general propositions which are to be borne in mind.

INTERPELLATIONS.

119. There should be no other restriction on the right of interpellation than that which Government has the undoubted right to impose by refusing to answer any question on the ground that it was not in consonance with the public interest to do so at the time.

120. Under the present Rules it is required that the questions should be so framed as to purely request information and must not be in an argumentative or hypothetical form; and no discussion is permitted in respect of an answer given to any question. This Council would request that reasons for putting a question should be allowed to accompany it, so that there should be no misapprehension as to its object, and so that there should be no excuse for the generally unsatisfactory nature of the reply. They would also request that supplementary questions should be allowed when the answers do not give the required information through inadvertence or misapprehension.

121. Considering that there are no meetings of the Imperial Council from April to January as a rule, and that the Provincial Councils sit at long intervals, it is desirable that Members should be allowed the privilege of sending written interpellations at stated intervals when the Councils are not sitting. These written interpellations may be allowed every two months. This will prevent the accumulation of interpellations which swell their number to an extent which has been complained of. It will also be of advantage that long intervals should not elapse before explanations are given in respect of measures and motives when they are misunderstood, and before corrections are made in respect of erroneous or mischievous statements of fact or purpose imputed to the administration.

122. This Council would further request the following :—

(*a*) That any Member may submit a request or move a resolution for the production of papers relating to any question, and be allowed to divide the Council if their production is refused.

(*b*) That when more than a third of the Elected Members request the President of the Legislative Councils that any question of importance required immediate or early discussion, a meeting of the Council should be called for that purpose without unnecessary delay.

This will enable Government to give timely explanation of their policy, and remove the misconceptions and misapprehensions to which Sir Harold Stuart's letter has drawn attention.

THE BUDGET DEBATES.

123. This Council are thankful that the unsatisfactory character of these debates, and the necessity for a remedy, are admitted and recognised. The proposal that the Budget should be discussed in the first instance by separate heads or groups of heads which would be explained severally by the member in administrative charge, to be followed by a general debate, will be a step in the right direction. The change will no doubt afford far better opportunities than now for systematic criticism, and will perhaps help to make the discussion less discussive. But this Council are respectfully of opinion that it will not help to make the discussion less unfruitful.

124. Both in the Imperial and in the Provincial Councils these debates are carried on under the blighting conviction that whatever might be said, however diligently the Members might devote themselves to their task, and however ably they might perform it, the result must be the same whether they are right or wrong in their views. It is this sense of want of power which makes the discussion so unfruitful, by discouraging all initiative, and removing to no inconsiderable extent the required sense of responsibility. The advantages of mere discussions of the Budgets without the power to move resolutions and to claim divisions and record votes are not clear to this Council.

125. The power to vote on financial questions is the most useful and important that could be conferred on the members. There is no reason to apprehend a misuse of the power; and this Council feel sure that if the confidence of Government is extended to them, it will not be misplaced. No one could dream in India of putting the Government out of power thereby. The importance of divisions on the Budget proposals lies in this, that it will help to concentrate public attention and will enable Government to gauge the public feeling and opinion. It will remove the obvious necessity which at present compels member after member from among the non-official representatives to repeat the same arguments. The usual complaint that too much importance is attached to mere talk is not fair to Members when they are deprived of the means of declaring their opinion by votes.

126. As already submitted above, Government will usually be in a position to command a majority; and if under exceptional circumstances the majority goes against them, it will emphasize the necessity for reconsideration, or for reference to the superior authority vested in a Committee appointed by Parliament. There can be no danger, therefore, in an adverse vote.

127. It may not be unimportant to request the attention of the Government of India to what passed in the House of Commons during the debate on cl. 38 of the India Councils Act of 1861. When Sir Charles Wood said that **no financial measure should be introduced without the previous sanction of the Governor General,** Mr. Bright asked if it was meant that **no Member should be able to propose a Resolution on the question of Revenue as they could in that House.** The reply of His Majesty's Secretary of State was that **the effect of the clause would be precisely the same as in England.** Half a century has nearly intervened since, and what was so clearly contemplated then may not unreasonably be claimed now, and may be safely allowed.

128. It is not desired that there should be no limit fixed to the Budget Debates. If one amendment is allowed to each Member, if a week's time limit is fixed for the whole debate, and if the order of amendments is regulated by His Excellency the President of the Council, all inconvenient results will be avoided.

129. This Council would respectfully submit for consideration the advisability of a Preliminary Conference, between the Members representing the Government and the Elected non-official Members of the Council, on the Budget proposals, both in the Imperial and in the Provincial Legislative Councils. It would ensure a free and frank interchange of views, and to a great extent prevent the necessity and inconvenience of open opposition to Government's proposals.

130. As regards the Budget Debates in the Bombay Provincial Council there is the additional difficulty arising from the fact that the Local Budget has been determined and acted upon before it is brought up for discussion before

the Council. This reduces the discussion to a meaningless exhibition involving considerable discredit. It is not impossible to make some provision for preventing it. The Imperial Budget may well be passed in the first week in March and the Provincial Budget before the end of the same month. If necessary, the exodus to the Hills may well be postponed for a short time in the public interest.

131. The Rules for Debate which now prevail ought also to be altered as they result in the grave inconvenience that the Members of Government make observations which can be replied to or refuted generally after a year's interval. The rules now require all the additional Members **in the Imperial Council** to speak consecutively beginning with the latest addition, and the Members of Government remain reserved till the end. It is the general practice in the Provincial Council that the Non-official Members should speak first, the Official Members next, and the *ex-officio* Members last. The observations of the Official and especially of the *ex-officio* Members either remain altogether unanswered or can be answered only in the following year. This is a grave disadvantage to those who criticise the measures or policy of Government. If when any objection is made or amendment is proposed, observations in reply are at once made on Government's behalf they may, if satisfactory, put an end to further unnecessary talk; and, if otherwise, may be rebutted at once by those who differ. The value of discussion will thus be enhanced and the waste of time will be greatly reduced.

THE EXECUTIVE COUNCIL.

132. The omission of some provision for the entrance of Indian gentlemen into the Executive Councils of the Provincial and Imperial Governments invites consideration. No reason whatever is advanced to show that such a provision is inadvisable or impracticable. This Council respectfully submit that the time has come when such a reasonable demand should be acceded to. Already two Indian Members have been appointed as colleagues of His Majesty's Secretary of State for India in Council. That step has been taken, as Mr. Morley himself declared recently, with the view to show not by words alone but by act that **the Indian is perfectly worthy of being given a share in the Councils of the Paramount Power**, and thus to do something **to soothe the discontent due to racial domination.** This Council earnestly trust that the same generous and wise measure may at no distant date be adopted both by the Imperial and Local Governments by the admission of one or two Indian members into the Executive Council of His Excellency the Viceroy; and by the addition of two Indian Members to the Executive Councils of the Local Governments. In this way only can the object which Government themselves have at heart, *viz.*, of enabling all classes to take a more effective part in shaping the action of Government, and a larger share in the work of administration, can be effectively and substantially carried out.

133. In conclusion, the Council of this Association are aware that they owe an apology to Government for the great length of this submission. But the importance of the occasion and the number of subjects discussed in Sir Harold Stuart's letter have made it necessary. They have earnestly desired to omit no criticism, and withhold no comment or suggestion, which may help Government in their great and difficult task of giving the people gradually, but with courage and trustfulness, those rights and privileges which have been withheld too long, but which may well satisfy even now the aspirations of all reasonable and well-intentioned subjects of His Majesty **in India.**

We have the honour to be,

Sir,

Your most obedient servants,

PHEROZESHAH M. MEHTA,

President and Chairman of the Council.

DINSHAH EDALJI WACHA,

AMIRUDIN TYABJI,

CHIMANLAL H. SETALVAD,

Honorary Secretaries.

B 716—30

The Bombay Municipal Corporation.

No 7564.

MUNICIPAL CORPORATION OFFICE,
Bombay, 28th February 1908.

From—JAMES MACDONALD, Esq., Chairman of a meeting of the Municipal Corporation of Bombay held on the 27th February 1908;

To—The Secretary to Government, General Department.

Sir,

With reference to the correspondence ending with your letter No. 933, dated the 18th February 1908, regarding the proposed enlargement of Legislative Councils and connected questions, I have the honour, by the desire of Municipal Corporation of Bombay, to submit for the consideration of Government the following representation on the subject.

2. At the outset I am desired to state that the Corporation cordially approve of the desire of the Governor General in Council that the Legislative Councils in India should now be enlarged to the fullest extent possible and that these bodies should be so constituted in respect of non-official members as "to give the people of India wider opportunities of expressing their views on administrative matters," "to take a more effective part in shaping the action of Government" and thus to lead "to a larger share in the actual work of administration and more extensive employment in the higher offices of the State."

3. Coming to the specific proposals made in the Resolution of the Government of India, I am to state that the Corporation have thought it desirable to confine their representation to the requirements of the City of Bombay only and they beg to submit for the consideration of Government the following suggestions:—

(1) That in view of the proposed enlargement of the local Legislative Council the Corporation's representation should be proportionately increased.

(2) That the representation of the University on the Council should remain the same as at present.

(3) That the Trades Association be given a voice in the election to the Council and be associated for this purpose in some manner with the Chamber of Commerce in electing their representative to the Council.

(4) That the Indian Mercantile Community, including the Mill industry, be given the right of returning two members to the Council, one of these being elected by the Millowners' Association and the other by the Indian Mercantile Community through the medium of properly organized Associations, care being taken by the imposition of a minimum subscription or entrance fee or otherwise to secure their representative character.

(5) That adequate representation by election should be conceded to important minorities such as the Mahomedan and the Parsi Communities.

(6) That when representation is given according to community, profession or residence, the representative elected shall be of that community, profession or residence.

4. I am further desired to point out in the scheme put forward by the Government of India for the enlargement of the Imperial Legislative Council no provision has been made to give representation by election to the native mercantile community of the City of Bombay. The Corporation consider it desirable to invite the attention of Government to this omission and to express their desire that provision should be made to give to this important interest adequate representation by election on that Body.

5. In conclusion, I am to express the regret of the Corporation for the delay that has taken place in submitting their views on the subject.

I have, etc.,
(Signed) JAMES MACDONALD,
Chairman.

Honourable Mr. Ibrahim Rahimtoola, C.I.E.

To—The Secretary to Government, General Department.

Sir,

I have the honour to acknowledge receipt of your letter No. 6534 of 31st October 1907, enclosing a copy of Government Resolution No. 6534, regarding the enlargement of Legislative Councils and connected questions. In submitting the following views on some of the points involved in the proposals, I have to express my regret at my inability to forward them earlier.

I very heartily welcome the desire of the Governor-General in Council, in formulating the proposals for the enlargement of the Legislative Councils, to give due and ample representation to the different classes and interests of the community. I concur in the view that, under the system of administration prevailing at present in India, it is essential that Government should always be able to reckon on a numerical majority in the Legislative Councils. I do so specially for the reason that the function of these Councils is not merely to make laws, but also to amend and repeal existing statutes. It would create a very undesirable state of affairs if the ruling authority was obliged, for want of numerical majority in the Council, to veto measures coming with the sanction of the vote of a majority of the Legislative Councils. While readily conceding for reasons mentioned the desirability of retaining a clear Government majority, I strongly feel that some provision should be made to prevent the official majority from acting arbitrarily. A clear Government majority means the power of carrying any Legislative measure in spite of, and in the face of, a strong adverse public opinion. I think it is essential that some safeguard should be provided to prevent such an arbitrary exercise of the power of the majority, and I respectfully submit that, in amending the Council's Act, a special section should be introduced, by which a measure before these Councils must become postponed for a period of six months in the event of a large majority of the elected members voting against it. The present procedure in the matter of Legislative measures for the various Provinces requires that they have to be previously submitted for sanction to the Government of India and the Secretary of State. These two authorities, after making such enquiries as they deem necessary, authorise the introduction of the measure in the Provincial Councils. At the time when such sanction is accorded, the non-official view is generally not before them. The public come to know of the measure when it is published in the *Government Gazette* after the requisite sanction of the higher authorities has been previously obtained. If it appears to them objectionable their objections find expression in the Vernacular Press and in the representations of public bodies. Any criticism or representations at that stage lose most of their value. The main principles of the proposed Legislation become fixed between the Local and the Imperial Governments before publication, and they are almost always strictly adhered to. The only opportunity which the non-official element get for discussion and amendment is in the Select Committee, but on that body also Government provide a clear official majority. In these deliberations slight changes on matters of detail are alone possible; the principles having been previously settled remain unaltered. The clear Government majorities can thus prove efficient weapons for the exercise of arbitrary authority.

The suggestion I have ventured to submit while securing to Government a clear majority will, to a great extent, safeguard the interests of the public. I would give to a certain large majority of the elected members the right to ensure postponement for a period of, say, six months. The new section should provide that when any measure is submitted for consideration before a Legislative Council, and when it is found on the matter being put to the vote that three-fourths of the number of elected Councillors vote against it, it must be considered as postponed, and must not be brought forward for reconsideration within a period of, say, six months. The proportion of elected members to whom I desire the power to be conceded has been fixed so high in order to prevent wilful obstruction, and if Government so wish I would not object to raise it even to four-fifths. I would also provide that in any case of this kind

where the required proportion of elected members have recorded their votes against a measure, and the matter is considered of a most urgent character, H. E. the Viceroy should have the power to overrule the wishes of the elected members, and by special sanction authorise the re-introduction of the measure within the period of postponement fixed by the new section.

My suggestion, while securing to the representatives of the people the right to prevent the Provincial Government from an arbitrary exercise of the power which a clear majority provides, ensures against wilful obstruction on the part of non-official members, and has the further advantage of leaving the hands of Government reasonably free in urgent matters.

The reasons which have induced me to recommend a postponement for a reasonable period in preference to the rejection of the measures are perfectly obvious. I wish to ensure that the sanction to be given to Provincial Legislation by the Governor-General in Council and the Secretary of State should become real and not nominal. At present such sanction is obtained on the *ex-parte* representation of Provincial Governments. The public do not get any chance of being heard till after the sanction is accorded. In all cases in which there is no feeling in the matter amongst the public the present procedure may be allowed. But in cases in which there happens to be a pronounced adverse opinion the higher authorities should obtain an opportunity of reconsidering their sanction. This will be secured under the suggestion I have made. The speeches delivered in the Legislative Councils are reported in full in the proceedings, and after the vote is taken and a measure becomes postponed, all the arguments urged against it by the non-official members would be published in the proceedings, and the sanctioning authorities would thereby be put in possession of the complete case, both official and non-official. The Governor-General in Council and the Secretary of State will thereby be enabled to give a considered opinion, and this may well be accepted as final.

There is an additional advantage in giving effect to the suggestion I have made. If one thing has clearly come out of the wide-spread criticism to which the reform proposals have been subjected, it is that the public do not secure any additional powers under the scheme. It is quite true that an opportunity will be afforded to a larger number of people to give expression to their views before the ruling authorities, but the power to force upon the people unpopular and distasteful legislation will remain unimpaired. The extent of the reforms thus allowed, while enabling more interests to voice their views, falls far short of the legitimate aspirations of the people. I would, therefore, strongly urge upon Government the desirability of conceding at least the very limited power to the people which I have suggested. It will enable them to be effectively heard in matters in which there may happen to be a pronounced difference of opinion amongst the official and non-official members of the Legislative Councils.

It is gratifying to find that Government have recognised the right of the Muhamadan minority to representation by election on the Legislative Councils. I am in entire agreement with the views expressed in the letter under acknowledgment, justifying the proposal of the Government of India to concede this right. While recognising the spirit in which the right is conceded I regret to observe that only two elective seats are allotted to this important community on the Imperial Legislative Council. The future constitution of the enlarged Legislative Councils, foreshadowed in the letter of the Government of India, provides 25 non-official seats by election and nomination. Out of these, 2 by election and 2 by nomination are allotted to the Muhamadan community. I venture to submit that both on the consideration of their numerical strength and their historical and political importance, to which the Government of India have very rightly given due weight, the Muhamadan community is entitled to larger representation. A reference has been made on the subject in Mr. Secretary Stewart's letter, and it is pointed out that the Muhamadan community may secure one or two seats by election in Provinces in which they are numerically in a majority. The election of a Muhamadan will largely depend not upon the numerical strengh of the

community so far as the population is concerned, but upon the numerical communal strength upon the constituencies brought into existence. I am not in a position to express any opinion as to whether, in the Provinces referred to, the Muhamadans will be in a majority in the electorates created under the scheme. But apart from this aspect of the question I am strongly of opinion that more than four seats on the Imperial Council should be allotted to the Muhamadan community. With this view I would submit for the consideration of Government the desirability of throwing open to election all the four seats which have been reserved for the Muhamadans in the scheme. The two nomination seats set aside for the Musalmáns should be converted into elective seats. If the expectation of Government in the matter of ordinary elections in the two Provinces is realized, the community will secure adequate representation on the Imperial Council which their numbers and their political and historical importance entitles them to. If such expectation is not fulfilled, then one or two nomination seats out of those still remaining in the discretion of H. E. the Viceroy should be filled by the appointment of Muhamadans.

In submitting this suggestion I wish it to be clearly understood that I am most strongly in favour of obtaining for the Muhamadan community their full representation by election. The Musalmáns have had in the past representation by nomination on the Legislative Councils, the Municipal and Local Boards, and it is this form of representation against which the community has complained. In future we desire representation by election as far as possible in decided preference to nomination. I do not wish to enter into any arguments in justification of this course. The reasons for such preference are so obvious that it is quite unnecessary to lengthen this communication by detailing them. I am not convinced by the plea advanced by Government that better class of candidates will be deterred from offering themselves for election against men of inferior social status. I am strongly of opinion that those men who do not possess the courage to face a constituency of their own co-religionists residing in their own districts have no right to be considered as representative men. I would go a step further and say that Government have no right to interfere in the free choice of the community as to the person they desire to be represented by. He may belong to a lower rung of the social ladder, but if he proves at the polling booth that he enjoys the confidence of the people he should be allowed to be the exponent of their views. It cannot reasonably be argued that under such circumstances Government should step in and select their representantive who should be some one other than the person whom the Muhamadans would elect. If the apprehensions entertained by Government come to be realized, and members of the educated middle classes are elected under the scheme, it will serve as a most useful lesson to the upper class Muhamadans, and will have the effect of bestirring them into throwing off their lethargy in matters educational and induce them by educational and other efforts to try and occupy the position their wealth and status may rightly warrant. If representation is to be conceded to the Muhamadans, let it be quite real. Let them select the men in whom they have confidence and through whom they desire to be heard, irrespective of considerations which appear to me foreign to the point.

I have seen it urged that if Government decide to concede representation by election to important minorities, such as the Muhamadans, it should be laid down that such elections shall be made by the other constituencies brought into existence. In other words, it is suggested that the representatives of the Muhamadans should be selected not by them but by an electorate in which the sister-communities will largely predominate. If the Muhamadan community is to secure a spokesman to voice their views in the Councils of the State let him be selected by themselves and not by others. It is manifestly absurd to say, for instance, that representation by election should be conceded to the Párs is but that a member of that community should be selected not by themselves but by the Muhamadans. Such a procedure would cut at the very root of direct representation, and I trust Government will pay no heed to it.

I notice that under the scheme formulated by Government, representation by election has been provided for the Calcutta and the Bombay Chambers of Commerce. These bodies are very largely European and represent the important

mercantile interests of the European community in the two principal cities in the country. Subject to the remarks I propose to make later on the question of the constituencies to be created for electing representatives to the Bombay Legislative Council, I readily recognise the desirability of providing adequate representation to the European mercantile community of India. The only suggestion I should like to offer is that it would be preferable to treat these seats on the same principle as the elective seats provided for the Muhamadan community. This course will ensure the privilege being enjoyed at different times by all the important European trade centres in India.

I wish to invite the attention of Government to the omission that is noticeable in the scheme in the matter of representation by election of the vast Indian mercantile interest in the country. No provision has been made to secure to Indian trade, commerce and industries any direct representation at all. The claims of this important interest are so strong and so obvious that I do not propose to dilate upon them. I trust, now that the matter has been brought to their notice, the omission will be rectified.

Dealing with the Imperial Advisory Councils, I am in entire agreement with the views generally expressed that they will serve no useful purpose if the members are drawn largely from the ruling Chiefs and territorial magnates. No one can question the right of Government to consult such people only as they choose. They can easily do this without the creation of any special Councils for the purpose. If, however, the object of Government is to elicit the real views of the people as a help towards better government, and if they propose to give statutory status to these Councils, I venture to submit that that object can alone be attained by recruiting largely from the educated classes. The principle of nomination that is proposed to be applied to these Councils will frustrate the object in view. In dealing with the Legislative Councils I have readily recognized the necessity of having a clear Government majority. This provision ensures the power of action in a manner that Government may deem best. Such being the case I fail to see why, in the constitution of Councils purely advisory, wider opportunities are not proposed to be offered to the popular element. The final determining voice in all matters being in the hands of the Government of India they ought to invite the free expression of views held by the different classes and communities through their accredited representatives. I would strongly advocate the policy of inviting opinions from quarters which can most intelligently and competently submit them. It is best to know fully all that can be said against the views entertained by Government in order to enable them to judge carefully the *pros* and *cons* of every question. It is only in this way that a considered opinion can be formed. Measures emanating from Government after they have been revised in the light of the criticism to which they may have been previously subjected will stand a much better chance of acceptance than those formulated under the existing system. Such criticism, though made confidentially if so desired, will serve a really useful purpose and will undoubtedly conduce to better government.

If Advisory Councils are proposed to be brought into existence for this object, and if they are constituted in such a manner as to secure it, then I would welcome the measure as a step in the right direction. On all occasions when I have had an opportunity of doing so I have impressed upon the high officials on this side of India the extreme desirability of consulting popular representatives before any measures are decided upon and published. It usually takes a long time before all the officers concerned are consulted and each measure assumes a definite shape. Instead of publishing it forthwith I have strongly advocated the desirability of taking into their confidence the representatives of the people. If it is once recognized that the people who have distinguished themselves in public life are actuated by as keen a desire as Government to promote the welfare and well-being of the people, that the interest of both are in no way antagonistic but common, that both desire the greatest good of the people, much of the feeling of estrangement, which does unfortunately prevail, would be swept away and the official and the non-official element would be able to work harmoniously together towards a common end. The gain to the country under

such a system would be immense. In one of his speeches the Hon'ble Mr. Muir Mackenzie, the then Acting Governor of Bombay, expressed himself emphatically in favour of what he called the round-table conferences. It is this form of exchange of views which I have always advocated. Let the papers be first submitted confidentially for perusal to representative Indians and then let the officer in charge call them together and personally discuss the matter with them. I am fully confident that if this was done much of the prevailing dissatisfaction will be largely dissipated and greater confidence and good feeling will take its place.

As far as I can see, the suggestion I have ventured to submit is not open to any objection. The ultimate power of taking action will remain absolutely with Government, and they can, if so inclined, refuse to be guided by the opinions which will be elicited under the new system. The difference will be that, while at present action is proposed to be taken in ignorance of the views and sentiments of the people, in future Government will be fully aware of these and will have had an opportunity of considering all the points that can be urged on the other side. Believing as I do that Government and the representatives of the people are both actuated by the earnest desire to secure the greatest good of the people I have not the least doubt that the result of consultations and round-table conferences will be eminently satisfactory and will lead to smooth and better government. Let Advisory Councils be constituted on some system of this kind, and I feel certain they will be heartily welcomed and will do a great amount of good.

I will now deal with the enlargement of the Bombay Legislative Council. It would have greatly facilitated an expression of opinion if the public had before them the outlines of the scheme which is proposed to be introduced here. The Government of India, in notifying the reform proposals, have published the basis on which the Imperial Legislative Council is proposed to be enlarged. If the same procedure had been followed in the case of the Local Council I would have been in a better position to discuss the matter. I have seen some suggestions made on the subject, but before dealing with them I wish to express the earnest hope that adequate representation will be provided in the scheme for the important Muhamadan minority both in the City of Bombay and in the Mofussil. The right of the Muhamadan minority to representation by election has been recognized by the Government of India, and I feel confident that in the scheme for the enlargement of the Bombay Legislative Council adequate provision will be made for such representation. I do not therefore propose to deal further with the subject.

In determining the constituencies for the Local Legislative Council I hope care will be taken to ensure the realization of the object underlying the reform proposals. The Government of India state that their object is "to give the people of India wider opportunities of expressing their views on administrative matters," "to take a more effective part in shaping the action of Government," and thus to lead "to a larger share in the actual work of administration and more extensive employment in the higher offices of the State." It is clearly the intention of the authorities to invite free expression of non-official opinion with a view to better government and to educate the people to take greater interest in the work of administration and to qualify them for greater political privileges in the future. In order that these objects may be fulfilled it is essential that the right of election to the Legislative Councils should be enjoyed by as large a number of people as is reasonably possible. To enlarge the number of elective seats on the Council and to restrict the number of voters in each electorate will, in my opinion, frustrate the very object with which the reform proposals have been formulated.

In the representation which the Bombay Municipal Corporation has submitted for the consideration of Government they recommend that the City should secure a minimum of seven and a maximum of nine elective seats. Much will of course depend upon the extent to which the Local Council is proposed to be enlarged, but I may be permitted to say that, in fixing the number of elective seats to be provided for the Muhamadan community, care will be taken that adequate representation, commensurate not only with their numerical strength but with their importance in other respects, will be ensured.

I venture to trust that nothing short of two elective seats will be provided for the Muhamadans of the City in the scheme which the Local Government will have to frame for the future constitution of the Provincial Council.

Reverting to the question of the constituencies to be created for electing Councillors, I notice that, if effect is given to the recommendation of the Corporation, the total number of voters for the seven or nine seats which may be allotted to the City's representation will not exceed 1,500. It appears to me that out of a total population of a million souls, to fix upon only 1,500 men to enjoy the right of voting will hardly be in consonance with the primary object of the scheme. To give effect to it a much larger number of people should be invited to exercise the privilege. This can easily be done if the basis of income-tax and educational attainments is substituted for bodies or associations in the formation of electorates. To my mind the constituencies should be—

(1) the European merchants and traders paying a certain amount of income-tax;

(2) the Indian merchants and traders selected on the same basis;

(3) persons substantially interested in the industries of the Presidency;

(4) Fellows of the University and Graduates of ten years' standing;

(5) communal representation on the basis of income-tax and educational qualifications.

Besides the manifest advantage of securing larger constituencies for the elections my suggestion has many other points in its favour. It confers the right to people who become entitled to it not because they belong to any association but on the ground that they have a substantial stake in the interest concerned. Dealing with trade and commerce, I think the best test for this purpose is the payment of income-tax. A man may have no real interest in trade or commerce and may still belong to one of these associations and thereby exercise an important influence in the election, while another person, not belonging to it, who may be largely so interested, would have no voice in the selection of a representative. I can see no reason why a person, fully qualified in every sense of the word to have a voice in the election of a representative for a special interest, should be forced to become a member of an association, to get a vote to which he is otherwise clearly entitled. Why should Government force him to pay the entrance fee and annual subscription to an association in order to secure the privilege of voting when the extent of his interest in that particular representation can be otherwise clearly proved? I do not think there is the smallest justification for Government, by giving the right of election to associations, to compel people to become members thereof.

This system is open to another and a more serious objection. Each association has its rules and regulations for the admission of members. New members are admitted either by the vote of the whole body or that of the Managing Committee. Each association very rightly retains in its own hands the absolute power of admission into its numbers. But it is obvious that such power is open to grave abuse. The total number of members can easily be largely increased or unduly narrowed down. I cannot see why, in order to secure the right of voting, a fully qualified person should be at the mercy of a small body of individuals, themselves keenly interested in the elections. He can be effectively shut out of his right by being refused to be enrolled as a member. Under this system cliquism can have full sway and legitimate aspirations can be suppressed.

Any system which is open to the objections I have briefly referred ought not to receive the sanction of Government. Let the privilege be conceded to people not because they belong to any body or association but on the ground that they are clearly entitled to it, on some independent test which may be generally applicable.

In my opinion the best test for the representation of trades and commerce is the payment of a certain amount of income-tax, while for industries the

right of voting should be given to owners of industrial concerns and large shareholders. For communal elections I would recommend the basis of income-tax and educational qualifications.

For the representation of the University I would associate Graduates of ten years' standing with the Fellows of the University.

My object in doing so is not only to enlarge the numerical strength of the constituency but also to introduce a substantial proportion of non-official element into the electorate, and to give the educated classes a voice in the election. Under the scheme Government have provided a clear official majority, and they will secure it outside the seats thrown open to election. It is, therefore, necessary that in all constituencies the non-official independent element should predominate. The present number of Fellows who have the right of voting is about 250, but under the operation of the Universities Act this number will be gradually reduced to 100. A very large proportion of these will be chosen by Government for a definite term of office. It is to my mind necessary that a large non-official element should be associated with them for the choice of a representative.

In order that there may be no misapprehension on the point I wish to state that my remarks do not apply to the Bombay Corporation, as that is a body constituted by an Act of the Legislature and consists largely of elected councillors.

In conclusion, I may be permitted to tender to Government our grateful thanks for the recognition of the right of the Muhamadan community to direct representation by election on the Legislative Councils, and to express the hope that, in formulating the final scheme, care will be taken to provide adequate representation for them commensurate not only with their numbers but also with their historical and political importance.

I have the honour to be,

Sir,

Your most obedient servant,

IBRAHIM RAHIMTOOLA.

Bombay, 21st March 1908.

B 716—32 BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Enclosure No. XVIII.

No. 1746A.

FROM E. A. GAIT, ESQ., C.I.E., I.C.S.,

Chief Secretary to the Government of Bengal,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

Dated Calcutta, the 29th February 1908.

APPOINTMENT.

SIR,

IN Sir Harold Stuart's letter No. 2312, dated 24th August last, the Government of India set forth "provisional and tentative proposals" to give the people of India wider opportunities of expressing their views on administrative matters. The Government of India requested that, after consultation with important bodies and individuals, representative of the various classes of the community, this Government should submit its matured conclusions to the Government of India on each branch of the subject. The replies of the public bodies and individuals consulted have now been received. A list of them is appended, and they are forwarded with this letter.

The present situation.

2. In paragraphs 2 and 3 of Sir Harold Stuart's letter the Government of India pointed out the great advance that has taken place in the development of the educated classes since Lord Dufferin's Government passed the Councils Act of 1892. Education has penetrated to circles which were then hardly affected by its influence. The Ruling Chiefs and the landholding and commercial classes are now become qualified to take a more prominent part in public life and to render a larger measure of assistance to the executive Government. They are anxious to be afforded an opportunity of expressing their views on matters of practical adminstration. It is now essential to make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have no sufficient inducement to enter public life and find little scope for the exercise of their legitimate influence. In all this the Lieutenant-Governor heartily agrees with the Government of India. He concurs also in the conclusion that, subject to this essential condition that the executive authority of the Government is maintained in undiminished strength, the time has come for a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers, of increasing their opportunities of making known their feelings and wishes, and of giving them a larger share in the actual work of administration. The difficulty encountered in making Government measures and motives generally intelligible, and in correcting erroneous and often mischievous statements of fact or purpose on the part of the Government, is also fully recognised. This difficulty demands that means for confidential and intimate consultation between Government and its subjects should be devised. The Government of India have therefore proposed Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils.

Are Advisory Councils necessary?

3. The first question that arises is whether the creation of Advisory Councils as a means for this free and close consultation is necessary or desirable, or whether the object in view might not be secured by extending and enlarging the functions of the Legislative Councils. *Primâ facie* it would appear that, if satisfactory measures could be adopted for

providing that a Legislative Council should be fairly representative of all sections of the community, there would be obvious advantages in consulting its members rather than in creating an entirely new body. Under the present law the Legislative Council can meet only when there is legal business to be transacted. It cannot meet even for the purposes of allowing interpellations. This has been found to be a serious drawback to the usefulness of the Council in Bengal; and the Lieutenant Governor has been compelled occasionally to call the Council together for purely formal business, so as to enable the members to exercise the right of interpellation which they greatly value. There seems no reason why the law should not be amended in this respect, so as to secure more regular and frequent meetings of the Council. In this province the Lieutenant-Governor has made considerable use of the non-official members of his Council in the way of ascertaining non-official opinion on important questions; and, if the Council were enlarged as is now proposed, the field of selection would be considerably extended. The great advantage of consulting members of the Legislative Council is, that the gentlemen consulted feel, or ought to feel, that they have a clearly defined share in, and serious responsibility for, the administration.

4. On the other hand, there is this objection to making use of the Legislative Council as an advisory body, that it is to a great extent elected, whereas it may reasonably be urged that the Head of the Government should be allowed entire freedom in selecting his own advisers, just as in England the King selects the members of His Majesty's Privy Council. Another objection is that there are certain interests or classes which cannot be represented on the Legislative Council, and which at the same time it is desirable to have represented on an Advisory Council. Instances will readily suggest themselves. The principal argument, however, in favour of the creation of a new body to be known as an Advisory Council is, that the Head of the Government should be able to choose his own advisers, and that many of those whom he might desire to choose might not be found on the Legislative Council at all. The Lieutenant-Governor considers the proposal to have Imperial and Provincial Advisory Councils an excellent one. The idea is not entirely new; for there have been many Heads of Local Governments, and also officers holding charges under Local Governments, who have habitually consulted certain Indian (and sometimes also European) gentlemen in regard to questions of importance. These gentlemen have ordinarily been consulted individually, but sometimes also collectively. They have been selected on account of the opinion of their position and intelligence and uprightness held by the officer who desired their advice. Where they have been treated in a frank and confidential manner, experience has shown that this is a valuable way not only of obtaining information and ascertaining the views and feelings of the people, but also of removing misconception regarding the intentions of Government. It is therefore desirable that such a system should be more formally adopted, and more generally and permanently organised.

5. The objects with which some District Officers, Commissioners of Divisions and Heads of Governments have hitherto consulted, fully and frankly, gentlemen of position and capable of giving advice have been twofold, namely,—

(1) to discuss a particular question fully with these gentlemen, so as to ascertain how it might present itself to the public mind, and what difficulties there might be from the point of view of the public in adopting the course which seemed *primâ facie* reasonable, and to obtain suggestions and advice regarding any measure under discussion, and

(2) to explain clearly to those consulted the object of a particular measure, so that they might intelligently follow the course of policy adopted, and be able to understand themselves, and explain to others, its real object.

In other words, the objects which the Government of India now have before them are precisely the same objects which have influenced certain officers to adopt for themselves something like the system which it is now

proposed to organize. Each officer has chosen his own advisers. Sometimes the Head of a Government has left for his successor a list of gentlemen likely to be able to give good advice or to render assistance in ascertaining and enlightening public opinion; and these gentlemen have remained the advisers of the new Head of the Government until he has been able to select advisers for himself. Similarly the Lieutenant-Governor has urged on Commissioners and District Officers, that the Darbar lists should be utilized by them for making notes as to the capacity and worth of gentlemen whose names are on the list, so that a record may be left to be utilized by any succeeding officer, until he should become himself sufficiently acquainted with the people to select his own advisers. The principle underlying the proposals of the Government of India is therefore one which the Lieutenant-Governor's experience has led him to recognize as valuable, and which he thinks should be accepted.

The Government of India's proposals for the Imperial Advisory Council.

6. Turning now to the proposals of the Government of India, the Lieutenant-Governor observes that it is proposed "that the Imperial Advisory Council should consist of about 60 members for the whole of India, including about 20 Ruling Chiefs and a suitable number of territorial magnates of every province where landholders of sufficient dignity and status are to be found." It is not quite clear whether this is meant to be an exhaustive definition of the constitution of the Council. It has indeed been said, in paragraph 4 of Sir Harold Stuart's letter, that it would be a great advantage to associate the great Ruling Chiefs and the territorial magnates of British India with the Governor-General in the guardianship of common and imperial interests; and it is proposed to achieve this object by the establishment and recognition of a determinate body of advisers, who would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation. But the reference made in a previous part of the letter to the educated classes, and the recognition given to the stake in the country possessed by both "the landholding and commercial classes," lead the Lieutenant-Governor to think that the definition above quoted is not exhaustive. At the same time there is no reference in the definition to certain classes which in His Honour's opinion ought clearly to be represented; and the distinct inclusion of these classes in the constitution of the Provincial Advisory Councils indicates that their omission from the Imperial Advisory Council is intended.

7. Among these the first that suggests itself is the educated class. Sir Harold Stuart's letter begins with a clear statement of the advance which education has made of recent years; and it does not appear logical to omit the direct representation of education from the Imperial Advisory Council. This may partly explain the coolness with which the scheme has been received in the Indian press. No doubt education will be represented on the Council, even if constituted on a rigid interpretation of the definition above quoted, in the person of some of the Chiefs and territorial magnates who will be members; but that would give no representation of the educated classes as such. Later on in Sir Harold Stuart's letter it is said that "the Government of India are far from denying that the professional classes are entitled to a share of representation, proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase." This passage indicates the objection to the proposed constitution of the Imperial Advisory Council which is now being stated. Education should be directly represented. It would be perfectly easy for His Excellency the Viceroy to select, in any province in India, one or more representatives of the educated and professional classes, whom it would be a great advantage to have on the Imperial Advisory Council, and association with whom would be only honourable to the Ruling Chiefs and territorial magnates. It will be found that most of the gentlemen consulted are strongly in favour of some such representation of the educated classes. Without this the scheme will not be a popular scheme. It will not satisfy the growing aspiration of the educated among all classes. It will not gain their confidence. On this account it will less effectively bridge the gulf which tends to separate the

rulers and ruled in India. It is a step forward to enlist the support of those who have a real stake in the country; but it would be retrograde to alienate the educated class which we have ourselves created.

8. The Lieutenant-Governor is also much in sympathy with those who think that in the Imperial Council there should be some representation of commerce and industry. When the Advisory Council is convened as a body it would be decidedly disadvantageous to have the great interests of commerce and industry unrepresented. On account of the practical advantage to be derived from the presence of members representing these great interests, their representation is distinctly desirable. It is also desirable on grounds of policy, as emphasising the necessity in India at the present time for commercial and industrial advancement, and the importance of commercial and industrial interests. As already stated, the Government of India have distinctly associated in Sir Harold Stuart's letter "the landholding and commercial classes" as "possessing a material stake in the country and representing the most powerful and stable elements of Indian Society." It is perhaps unnecessary to make any suggestion as to the precise constitution of the Council. To have about one half composed of the great landlords, and the other half divided equally between the Ruling Chiefs and the representatives of Commerce, Industry and the Learned Professions would not be unreasonable.

9. The next point calling for consideration, is the method of consulting these bodies. The proposal is, to have a determinate body of advisers who would be consulted individually by the Governor-General or the head of the Local Government, and would occasionally be called together, either in whole or in part for the purpose of collective deliberation. This proposal has not been thoroughly understood by all the gentlemen consulted by this Government. The proposal is, that the members should be consulted (*a*) individually, (*b*) as many together as the subject may seem to require, or (*c*) all together in certain cases. This seems a perfectly sound proposal; and when it is thus carefully stated, the mere statement disposes of the unfavourable criticism which some have made. Experience shows the great value of personal consultation and discussion with Indian gentlemen. Such personal discussion leads to frank and confidential expression of opinion which cannot always, at present at least, be obtained when others are present. At the same time, the advantages of conference are fully established by experience. A circular letter or separate personal conferences with individuals may secure the franker expression of individual opinions; but it prevents the consideration of other opinions; it shuts out from consideration many points of view which might otherwise be suggested; it leaves every one more ignorant of the advice given by his fellows, of the decision of Government, and of the grounds for that decision, than he otherwise would have been. The exchange of views and opinions at a meeting is thus found of the greatest importance.

10. In regard to the Imperial Advisory Councils, there remains the question as to whether the proceedings and results of the collective consultation should not be recorded. It appears to the Lieutenant-Governor that, when the members of the Advisory Council are called together, either in one section or as a whole, a record should be kept of the consultation, so that His Excellency the Viceroy may have before him, at any time, a record of the opinions of his Advisory Councillors, as they were actually expressed at the time. This need not in any way interfere with the private informal and confidential character of the consultation. It has been pointed out indeed by some that, if the opinions are wholly confidential, then no one is aware of the support which the Government may have received from these confidential advisers, the mouths of the Councillors are shut, they cannot explain the objects of Government, and people will be unable to judge of the manner in which the Councillors are exercising their influence. In regard to the last point there may be considerable danger. It is intended that the Councillors should frankly advise the Viceroy, not that they should play a part before the public. But the objections to keeping the discussions confidential are strong. What is proposed in paragraph 5 (7) of Sir Harold Stuart's letter, namely, that, after confidential discussion, it may be advisable to provide for some public conferences, seems to meet the difficulty. In other words, after there has been confidential discussion, the Councillors may go on, either

on the same day or on a future date, to a discussion, the proceedings of which will be made known to the public. This seems a sound proposal. At the same time it is clearly important to preserve the confidential character of the communications between His Excellency the Viceroy and his Councillors, until it has been decided by him in consultation with them, that their views may be given to the public. It seems also necessary to provide that the wish of any Councillor to have his views recorded as confidential, and not given to the public, should be respected.

11. Another point which deserves special attention is the sixth clause of the scheme, as laid down in paragraph 5 of Sir Harold Stuart's letter, where it is said, that "the functions of the Imperial Advisory Council should be purely advisory; and it will deal only with such matters as may be specifically referred to it from time to time." This takes from the Council all power of initiation, which has been interpreted by gentlemen consulted to mean that individual Councillors, or the Councillors assembled together, may not make any suggestion in regard to any matter which has not been distinctly referred to them by the Viceroy. The Lieutenant-Governor does not believe that this can be the intention. There may be difficulties in the way of allowing the Councillors assembled together, either in part or in whole, by His Excellency's mandate, to discuss any question which has not been referred to them, though His Honour does not clearly see such difficulties. The Councillors ought certainly not to be assembled for any purpose except by the order of the Viceroy. But they should apparently be left free to make any suggestions which they may see fit to make, when they actually assemble by His Excellency's order, provided that the Viceroy should have the power to veto discussion. There may be difficulties in this which His Honour does not see. There is, however, one matter in respect of which he has no doubt, namely, that Advisory Councillors should be allowed individually, either by letter to the Viceroy or in an interview with His Excellency, to make any representations that they may choose to make, in regard to any question which interests them, whether they are consulted about it or not. Gentlemen of their position have that privilege now; and it cannot have been intended to deprive them of it.

Provincial Advisory Council.

12. One point which may be mentioned as having attracted attention in regard to the Provincial Advisory Council is that it is distinctly stated, that when the members of the Council are consulted individually, they are to be consulted by letter, and are to submit their views in writing. The object of this is not apparent. It is often far more valuable for the Head of a Government to send for a gentleman and talk the question over with him than to write a letter asking for his opinion. Even exceptionally intelligent gentlemen are apt to misapprehend or misunderstand, in some degree, the object of a reference; and a quiet friendly personal discussion often prevents considerable difficulty. It may be that the object of the provision to which reference is now made, is that the opinion of the gentlemen consulted should be properly recorded, especially if it is going to be used afterwards in any reference to the Government of India or otherwise. But this can easily be achieved without excluding personal consultation and discussion, which are ordinarily of far greater value than consultation by letter. The Lieutenant-Governor would recommend that it should be distinctly stated that the proceedings of the Provincial Advisory Council, like those of the Imperial Advisory Council, are to be private, informal and confidential, until it is decided by the Head of the Government, in consultation with the members of the Council, that they may be made public, and that it should be added that any Advisory Councillor should have a right to ask that his opinion be kept confidential.

13. Subject to the above remarks the Lieutenant-Governor would approve entirely of the proposals regarding these Advisory Councils. It is not necessary to emphasise the necessity for the greatest care (especially at the first) in selecting the members. The constitution of the Imperial Council should be modified, so as to include the commercial, industrial and professional class; and the term of office should be a substantial one (say, five years), with eligibility for reappointment. About thirty members might form the Bengal Provincial Council, representing large and small land-holders, Feudatory Chiefs, the

Bengal and National Chambers of Commerce, the Tea and Indigo Industries, Professions, the University, District Boards and Municipalities If the proceedings are absolutely confidential in the first instance, with publication when that seems expedient to all, there will be great advantage from the establishment of these Councils. The precise conditions under which proceedings will be public or will remain confidential, as the case may be, ought to be distinctly laid down. Individual Advisory Councillors should be consulted in any way which may seem fit to the Viceroy or the Head of the Local Government, as the case may be; and the opinion obtained should be placed on record, if required. Where Councillors are consulted collectively, a record should ordinarily be preserved. In no case should any opinion be made public without the consent of the Councillor or Councillors concerned. Under these conditions, the Lieutenant-Governor believes that the scheme would have great success.

Enlargement of Legislative Councils.

14. In paragraphs 8 to 10 of Sir Harold Stuart's letter the Government of India discuss the necessity for the enlargement of Legislative Councils. It is pointed out that, when the Councils were enlarged and the elective principle introduced under the Indian Councils Act of 1892, an endeavour was made to constitute the electorates so that the more important classes and interests should as far as possible be represented, but in the case of Provincial Councils, it is admitted that the results have not justified the expectations formed. It is stated that out of 54 members elected by District Boards to the Provincial Councils only 10 have been landholders, while 36 have been Barristers and Pleaders; and similarly out of 43 members elected by the District Municipalities 40 have been Barristers and Pleaders, and only two landholders. This state of things is decidedly unsatisfactory, especially in regard to the District Boards; but the facts are not quite so bad as the figures represent. Although an unduly large proportion of lawyers have got into the Council in the past, it cannot be said that they do not at all represent the landed interest. Many of them are themselves fairly large landholders. Some of them are in close touch with the landed class; and in certain cases they owe their election into Council largely to the votes of members of these classes. At the same time, it is undoubtedly true that the object aimed at, namely, the representation of all the more important classes and interests, has not been achieved; and even nomination has failed adequately to supply the defect. Anything approaching adequate representation of the different classes cannot be secured without a very considerable enlargement of the Councils. As, however, this view is universally accepted, it is unnecessary to say anything more about it.

Proposed constitution of the Imperial Legislative Council.

15. In respect of the proposed constitution of the Imperial Legislative Council, as sketched in paragraph 12 of Sir Harold Stuart's letter, there are not many remarks to make. Nothing need be said about classes A and B, that is the *ex-officio* members and the officials nominated by the Viceroy. The former are already fixed; and no one can take any objection to any of them being on the Council. The number of the latter will depend on the number of the non-official members. These, that is, the non-official members, are the only members whom it is necessary to discuss. The first of these (C) is a Ruling Chief to be nominated by the Viceroy. To this no exception can be taken; for it cannot be held that the Ruling Chiefs are altogether without concern in Imperial Legislation. I am therefore to pass on to class D, namely, the elected Members. All the proposals made in regard to this class may be accepted; but there are certain additional interests which appear to the Lieutenant-Governor to require representation. The first of these is the Universities. Sir Andrew Fraser is of opinion that there should be one member representing the Universities, as a separate and additional member under class D. Such a member would not only represent the educated classes generally, but would especially represent the important interests of the Universities. This seems to be very desirable. The question as to the best method of appointing such a member then arises. In the opinion of the Lieutenant-Governor he should be elected by all the five Universities together, and not by each University in rotation. It does not

seem a matter of much difficulty, to devise a constituency composed of representatives of all the Universities who might elect this number for the Imperial Council.

16 The Chamber of Commerce, in their letter No. 27, dated 11th January last, copy of which is appended, proposed to increase by two the number of non-official Europeans, so as to represent the planting and manufacturing industries of Northern India; and the Government of India, in Mr. Fell's letter No. 212, dated 21st January last, have requested that the claims of the domiciled community to representation should be considered. Both of these claims are entitled to much consideration. But it will probably be best not to include these three new members under class D, but to include them under class E: that is to say, to raise the number of the latter class (non-officials nominated by the Viceroy to represent minorities or special interests) from four to seven. The special interests thus to be represented should then include not only racial minorities such as Eurasians, Muhammadans, Parsis and Jains when these require representation, but also large industries such as tea, jute, mines indigo, cotton and the like. The Viceroy ought to be unfettered in his decision as to the particular interests requiring to be represented from time to time, subject to the proviso that there must be not less than four Muhammadan members in the Council. But when an interest has been selected as requiring representation, the usual practice should be to ask the association (if there is one) which represents that interest to select a particular person to be nominated; or (if there is no such association) to devise some other means of ascertaining the wishes of those concerned as to the nomination.

17. It does not seem to the Lieutenant-Governor necessary to have an official majority of three in Council, excluding the Viceroy; but that is what is given in the sketch of the Council in paragrapn 12 of Sir Harold Stuart's letter. It is proposed to have, excluding His Excellency, 28 officials and 25 non-officials in the Council. In fact, as the experts need not always be non-officials, the official majority may even, under the proposed constitution, be more than three. It would probably suffice if the officials and non-officials were equal in number. It is inconceivable that all the non-official members, coming as they will from so many different classes, and representing so many different interests, will ever combine against the Government; and even if they did so, they would not be in a majority, if the officials, excluding the Viceroy, were equal to them in number. The experts to be nominated under class F would either be officials, when they might be nominated under class B, or the representatives of special interests, when they might be nominated under class E. If they were only required temporarily for one particular measure, they might be nominated (in the manner indicated by the Chamber of Commerce in their letter) to advise without having a vote. The Lieutenant-Governor would therefore recommend that the four additiona members above indicated be added, and that the separate class F be excluded altogether. The constitution of the Council would then be :—

Official members in classes A and B	28
Non-officials under classes C, D and E, together with the four additional non-officials now proposed ...	27

This would leave an official majority of one, excluding the Viceroy.

18. In dealing with the method of election of the members under class D, it is unnecessary to say anything about subdivisions (*a* and *b*). The present system of election of the members repsesenting the Chamber of Commerce in Calcutta and Bombay, and of those recommended by the uon official members of the Provincial Councils, may remain unaltered. As regards subdivision (*c*), the principle may be accepted that the Provincial electorate should have, roughly, a strength of from 100 to 150 members. Payment of csees indicating an cesses value of a certain figure, say half a lakh, should, as far as Bengal is concerned, give the franchise. It ought to be laid down that the member elected to represent the nobles and great landowners of a Province, must himself belong to that class. There will be no difficulty in massing together for voting purposes all the qualified landholders of this Province. Most of the large landholders have houses in Calcutta; and those

who have not would find no difficulty in coming here for so important an object. The Lieutenant-Governor does not propose therefore any system for alternately representing different parts of the Province.

19. As regards the election of Muhammadans [subdivision (*d*)], the Lieutenant-Governor would suggest that a voter should have one or other of the following qualifications:—

(1) He should have an income of Rs. 15,000, to be ascertained from the valuation in the Road-cess returns, or from the Income-tax returns, as the case may be. A qualification of Rs. 25,000 is regarded by representative Muhammadans in this Province as too high.

(2) He should be a graduate of any University of five years' standing. There is no reason for limiting this qualification to graduates of Indian Universities. A graduate of an English University has quite as strong a claim. This educational qualification has been urged by representative Muhammadans in the Province. It is, however, open to question whether it should not be omitted altogether, or whether it should not be confined either to Masters and Doctors or to Muhammadan Fellows of the University.

(3) He should be a titleholder.

There would be no difficulty in forming a constituency in this Province on these lines. The seats assigned to Muhammadans in the Imperial Council should be given in turn to the different Provinces at the discretion of His Excellency the Viceroy. The Lieutenant-Governor does not generally approve of the alternate representation of different Provinces; but he is unable to suggest any better method of obtaining the Muhammadan representatives referred to in subdivision (*d*).

The constitution of the Provincial Council.

20. I am now to consider the enlargement of the Provincial Legislative Council. The number of non-official members of the Council would be limited by the number of officials available. It would be quite possible to provide, say, 18 official members. It would be possible to provide a few more; but this would not be necessary, unless there were more than 18 non-official members. Sir Andrew Fraser sees no reason whatever for having more official than non-official members, excluding the Lieutenant-Governor from the list. He does not consider it at all likely that, in any case, all the non-official members would combine against the Government; and, even if they did, the Government would still retain its majority in the casting vote of the Lieutenant-Governor. The non-official members, whom the Lieutenant-Governor would propose, are the following:—

(1) One member for each of the six existing Divisions and a representative of the new Division to be created by the partition of the Patna Division	7
(2) The representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation, and the University, as at present, and a new representative of Indian Commerce	5
(3) Representatives of the landed proprietors, who must be zamindars elected by zamindars	2
(4) Representatives of any special class requiring representation	4
Total of non-official members ...	18
Add—Official members ...	18
Total Members of Council ...	36

21. This would give a Council of 36 members, excluding the Lieutenant-Governor. The representatives of the Divisions would be elected for each Division alternately by the agency of the Municipalities and District Boards, so as to have not less than three members representing either District Boards, or Municipalities on the Council. The system of electing the representatives of these bodies would remain unchanged, except that it would be provided that a

candidate must be a resident qualified voter, and that the word 'resident' means that the candidate has his family-home in the locality. The new representative of Indian Commerce has been demanded very earnestly by Indians in Bengal, especially in Calcutta. It has been proposed that he might be taken alternately from the National and Marwari Chambers of Commerce. The two representatives of the landed proprietors would represent the large and the small zamindars, respectively. The zamindars of each class in each district would elect their delegate; and these delegates would meet in Calcutta and elect a member for nomination to the Council. This would be much better than alternate representation for different parts of the Province by rotation. The special classes to be represented under the fourth item in the above list would be selected by the Lieutenant-Governor as occasion seemed to require; and suitable arrangements for electing representatives would be made. It will be observed that this method provides for the representation of the domiciled community (as well as any other), provided that it were found that this community had not been adequately represented in the other elections. The above scheme gives a maximum of 36 members of Council, excluding the Lieutenant-Governor. If it was not necessary to include four representatives of special classes, the Council would not be quite so large. These views are the result of a full discussion of the whole subject at a conference consisting of the Members of the Board of Revenue, Heads of Departments, Commissioners of Divisions, and a considerable number of non-official gentlemen, members of the Bengal Council and others, representing the different classes of the community, who were invited to share in the discussion.

Representatives of Municipalities and District Boards.

22. In paragraph 21 of Sir Harold Stuart's letter, the Government of India make certain remarks regarding the franchise upon which the election of the Bengal members of the Provincial Council ultimately rests. With these remarks the Lieutenant-Governor is in complete accord. The franchise, in connection with the District Boards especially, has failed altogether to secure a due representation of different classes. This matter has engaged the serious attention of the Lieutenant-Governor. He has consulted most of the District Officers and all executive officers in the Province of senior rank to theirs. He has also consulted many non-officials, both privately and in formal conferences, the results of which have been placed on record. He is very clearly of opinion that the system must be modified very materially. It is in the districts, in the work of Local Boards and Municipalities, that Government first of all requires the co-operation of the people; and it is there that real education in self-government must be given. It is the men who do work in the interior that are best fitted to take a worthy place in the Provincial and Imperial Councils. It is in Local Self-Government that sound political training is to be obtained. This has been practically lost to the classes who have a real stake in the country. They have hardly been directly represented at all amongst the elected members of the District and Local Boards; that is to say, the most important interests in the country, and the divers classes concerned in these interests, have not been represented.

23. The Government sometimes succeeds in getting advisers and coadjutors, whose interest in the country makes them both prudent and useful, by selecting them from amongst certain classes and nominating them to the local bodies. It is admitted that the system of election under the present law will not secure such persons; and an attempt is made to remedy the defect by a system of nomination. The electoral system has not been introduced in the majority of the districts of the Province; and even where it is introduced, it is supplemented by a system of nomination. Good men are not infrequently secured in this way; but the men nominated are in a very invidious position. An influential and very capable zamindar, for example, who has a large stake in the country, may be nominated to the District Board or to the Provincial Council; but, when he has been thus nominated, he is, by some at least, regarded as a man who has been "captured" by the Government. He is credited with nothing but a desire to please the Government. This may be absolutely unjust. He may, and very often does, speak perfectly frankly the views that are in his mind; but he does not always get credit with the outer world for sincerely representing the views of his fellow countrymen; and, all

the time, he feels that he is the object of the suspicion, and often the object of the vituperation, of his own countrymen. It is a most undesirable position. What is required is, to get the same class of men, without putting them into this position. This is nowhere more important than in the District or Local Boards.

24. It is so highly inexpedient as to be practically impossible, to go back on what has been done in regard to the franchise; that is to say, to withdraw from anyone the privilege of the franchise which has been given to him. The scheme which the Lieutenant-Governor has in his mind—and it has received the full concurrence of all the officers he has consulted and also of the non-officials, including all the non-official members of the Bengal Council—is that those who now enjoy the franchise should be divided into such sections as will secure the representation of different classes and interests. It is unnecessary in this letter to go into the details of the scheme which the Lieutenant-Governor has framed, and separately placed before the Government of India. It will be enough here to indicate briefly the lines on which the scheme has been framed. First of all, there must be separate representation of the large zamindars. The electors must be zamindars and their representative must be a zamindar. The smaller zamindars should be similarly represented separately. A third electorate of agriculturists, namely, the smallest class of landowners and the larger raiyats or tenants, also require separate representation. A fourth electorate would consist of the professional classes; and a fifth, of the trading classes. Finally, a sixth constituency would be formed to provide for the representation of any special interest. It is proposed that, so far as non-officials are concerned, nomination should cease altogether and separate constituencies should be formed which would provide for the election of persons representing all the various interests. A system such as this would provide a non-official element which could be thoroughly trusted, subject to financial and other limitations provided by rule, and to the supervision of the District Officer and Commissioner, to do good work in the District and Local Boards. A few official members would be added: the Subdivisional Officer to the Local Board, and one or two officials, such as the Inspector of Schools, the Civil Surgeon, and the like to the District Board.

25. As has already been stated, this scheme has met with the universal approval of the officers and non-official gentlemen consulted. The Lieutenant-Governor has greatly regretted that it could not be carried through at once. In Sir Harold Stuart's letter [paragraph 22 (*c*)] encouragement was given to the introduction of such a scheme in Local Boards. And it appeared a very opportune time to carry it through when it received such widespread support. It has, however, been deemed expedient to postpone the consideration of this scheme until the matters under discussion in this letter are disposed of. When it is possible to take it up and carry it out, it will provide a reasonable hope of sound representation in the Provincial Council. This reform of the electoral system of District and Local Boards is an urgent necessity. On the other hand, there does not appear to the Lieutenant-Governor to be any special necessity at the present time for interfering with the electoral system of Municipalities. It can be considered later.

26. In paragraph 22 of Sir Harold Stuart's letter, the opinion of this Government is requested regarding the desirability of providing for the representation of special classes other than the Muhammadans. The Lieutenant-Governor does not consider that this is necessary. There are undoubtedly considerable sections of the population, such as the so-called Kolarian tribes and numerous depressed castes, which are not, and probably never will be, represented in Council under existing conditions; but this cannot be helped. These classes must trust to Government for protection whenever their interests clash with those of other classes.

Special classes.

27. In paragraph 23 of Sir Harold Stuart's letter, the Government of India state that they are anxious to introduce such changes in the existing system of discussion of the budget in Council as will make the debates on the budget less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. The Lieutenant-Governor considers that the

Budget discussion in Council.

best way to effect this object will be to have one or two unofficial discussions with representative members of the Legislative Council before the budget is formally laid before the Council. He would suggest that there might be two such discussions, one in the first week of February before the second edition of the Provincial budget is submitted to the Government of India through the Accountant-General, and the other in the first week of March before the third edition of the budget is submitted. The Committee appointed to hold these unofficial discussions would be of the nature of a Select Committee, and might consist of the Hon'ble Members of the Board of Revenue, the Secretaries to the Local Government and half of the non-official members of Council, nominated for the purpose with special regard to their representative character.

28. At the first meeting a preliminary note on the budget, briefly explaining the general lines thereof, with statements of both receipts and expenditure, showing under each of the major heads the actuals of the preceding year, the sanctioned estimate and the revised estimate for the current year, and the budget estimate for the ensuing year, should be laid before the members by the Financial Secretary. This note should also show all additional recurring charges and the principal items of a non-recurring nature proposed to be incurred during the ensuing year. The Public Works Department should also furnish a note showing all important items in their programme for the year, with the estimated cost of each, which would form an appendix to the Financial Secretary's note. At the second meeting a further note would be laid on the table by the Financial Secretary, giving revised estimates based on later actuals and on such suggestions made at the previous meeting as could be adopted, and giving separate figures under the principal minor heads subordinate to major heads.

29. For the purpose of the debates in Council, the suggestion thrown out by His Honour the Lieutenant-Governor in his speech on the budget debate last year might be given effect to, namely, that statements should be appended to the budget explaining the principal reforms in progress and in contemplation in the several Departments of Government. For the purpose of these statements the subjects should be grouped together according to the departments dealt with by the different Secretaries. This would greatly simplify the discussion. In order also to give fuller effect to the intentions of Government, two days should be allowed for the discussion of the budget in Council. This would give the Hon'ble Members the fullest opportunity for discussion compatible with the exigencies of the administration.

30. In reference to the remark contained in the last sentence of paragraph 23 of Sir Harold Stuart's letter, that "it might perhaps on occasion be found possible to alter the budget actually under review," I am to point out that under the existing arrangements the budget cannot be altered after it is laid before the Council. Unless therefore the Government of India are prepared to authorize alteration after the budget has been finally passed in the Imperial Financial Department, it will not be possible to give effect to the suggestion.

31. The Lieutenant-Governor has nothing further to add regarding the schemes proposed for consideration in Sir Harold Stuart's letter.

I have the honour to be,

SIR,

Your most obedient servant,

E. A. GAIT,

Chief Secretary to the Govt. of Bengal.

B. S. Press—22-7-1908—2273C—1,200—E. G.

APPENDIX.

PAGE.

1. Letter from the Hon'ble Maharaja Dhiraj Bahadur of Burdwan, dated the 19th September 1907 1

2. Letter from the Hon'ble Nawab Bahadur of Murshidabad, dated the 20th September 1907 3

3. Letter from the late Maharaja Sir Jotindra Mohun Tagore Bahadur, K.C.S.I., dated the 20th September 1907 5

4. Letter from His Highness the Maharaja Bahadur of Cooch Behar, dated the 21st September 1907 9

5. Letter from the Hon'ble Maharaja Bahadur of Darbhanga, dated the 22nd September 1907 11

6. Letter from the Secretary, Anglo-Indian Association, No. 692, dated the 10th October 1907 13

7. Letter from Maharaja Sriram Chandra Bhanj Deo of Moharbhanj, dated the 24th October 1907 15

8. Letter from Nawab A. F. M. Abdur Rahman, dated the 30th October 1907 17

9. Letter from the Secretary, Central National Muhammadan Association, No. 110, dated the 6th November 1907 19

10. Letter from Raja Peary Mohan Mukharji, C.S.I., dated the 9th November 1907 23

11. Letter from the Secretary, Bihar Landholders' Association, No. 1565, dated the 10th November 1907 25

12. Letter from the Secretary, Bihar Planters' Association, dated the 12th November 1907 27

13. Letter from the Secretary, Bengal National Chamber of Commerce, dated the 12th November 1907 29

14. Letter from the Secretary, Bhagalpur Landholders' Association, dated the 28th November 1907 33

15. Letter from the Secretary, Orissa Association, No. 59, dated the 10th December 1907 37

16. Letter from the Secretary, British Indian Association, No. 397, dated the 10th December 1907 41

17. Letter from the Secretary, Indian Tea Association, No. 25-O., dated the 10th January 1908 47

18. Letter from the Secretary, Bengal Chamber of Commerce, No. 27—1908, dated the 11th January 1908 49

Dated Calcutta, the 19th September 1907.

From—The Maharaja Dhiraj of Burdwan,
To—His Honour the Lieutenant-Governor of Bengal.

Imperial Advisory Council.

I THINK that the proposal of the Government of India is a sound one, and the idea should be put into effect and the scheme launched without much delay. The constitution as contained in the letter might be accepted as the basis; for, I am sure, it will undergo some changes as we proceed and as experience reveals itself, specially when we may have to take into consideration any such worthy criticism or proposals as might appear hereafter.

2. At the very outset, however, I desire to say that in the 24th and 25th lines of paragraph 4 of the letter it contains the following words "and possessing in themselves no formal powers of initiation." This of course means that whenever the Government will desire to consult the Council the Councillors will give their advice, but they will not be entitled to prefer any advice, by taking an initiative on any subject that is not referred to them, even, if any such matter in their opinion be one on which they as advisers consider the measure to be too strong or weak, improper, unfair or impolitic, in any way, and feel it their duty to bring the matter before the Government. Therefore I think that the Councillors should have some privilege at any rate of taking initiative steps on all such matters, and represent such cases to the Government either in writing, confidentially, individually or collectively, or by waiting on the Viceroy either individually or collectively. The Government might consider on receipt of such communications or deputations whether or not in its opinion the advices of the Councillors are worthy of consideration. This point I want Your Honour to carefully consider, and if you agree with me I trust that you will kindly take necessary steps.

3. About the formation of the Council as stated in paragraph 5 (3) of Sir Harold Stuart's letter, *i.e.*, that of the sixty members it is desired to take about 20 Ruling Chiefs and about 40 territorial magnates from every province under the Government of India, I may be permitted to observe that for political reasons it might be quite right to have about 20 Ruling Chiefs in the Council; but I really do not see how these Chiefs could be of much help in giving counsel on schemes and on the subjects referred to them which mainly concern the administration of country under direct British rule. This body no doubt will be directly interested only when questions of famine, education, railway, canals (specially passing through or close to their territories), Imperial Service Troops and Imperial Cadet Corps, etc., are referred to them. Of course when any question of general principles is discussed, their advice and opinion would certainly be useful and helpful; but in questions affecting the general interest of the landholders and tenants, trade, commerce, industry and other professions in British territory they could not be of much help.

4. Moreover, this proposal does not contemplate to take in any specially qualified persons of education and culture, nor does it embrace any representatives from classes, such as industry, commerce, capital and other important professions to advise on questions relating to these subjects, of which they would undoubtedly be the most likely persons to have special experience and knowledge. I think therefore that representatives from such important classes should be taken into the Council; specially as they will also be able to represent the opinions of those who discuss things in the press and also represent a certain amount of the popular views. For these reasons I beg to suggest that of the 60 Councillors proposed I would have 15 Ruling Chiefs, 30 territorial magnates from the different provinces, and 15 educated representatives from the industrial, commercial, capital and other professional classes, so that the Council would then be complete and a really representative body.

5. I consider that the functions of the Advisory Council seem to be very little. It is impossible at present to say anything about its practical

utility until it is put into practice and its usefulness gradually appreciated. There is no doubt, however, that through these Councillors the Government will be able to make its measures and motives generally understood by the people and also be able to correct erroneous and often mischievous statements of fact or purpose imputed to it.

6. In paragraph 5 (7) it is stated that the proceedings of the Council will "as a rule be private, informal and confidential, and they would not be published although Government would be at liberty to make any use of them it thought proper." There is no general objection to this paragraph, but I should like to suggest that when any member is consulted individually (as stated in the middle of paragraph 4) if any member expressly desires when submitting his opinion that his opinion should be treated as strictly confidential, such a request should be respected and the opinion of such a member should not be made public or used otherwise.

Provincial Advisory Council.

7. I consider that the constitution, functions and proceedings as contained in paragraph 6 of Sir Harold Stuart's letter may be accepted as it is, as a basis of establishing the Council. It provides for the representatives of all classes of people which I consider to be a sound thing.

8. There is one point, however, which vastly differs from the proceedings of the "Imperial Advisory Council" and which calls for remarks—while the proceedings of the "Imperial Council" are clearly stated as "private, informal and confidential" the proceedings of the "Provincial Council" when consulted collectively are to be recorded by a Secretary to Government. But it does not say whether these proceedings should be treated as "private, informal and confidential." No doubt this is what is implied; nevertheless this point should be made clear. I propose that the proceedings of the "Provincial Advisory Council" be treated as "private, informal and confidential" like the proceedings of the "Imperial Advisory Council." In this point the same principles should equally apply to both the advisory councils.

9. There is another point which I wish to allude to, *i.e.*, that, should there be no real objection, the members of the Council might be consulted by the Governors of the Provinces by personal interviews wherever it is possible, without taking their opinion in writing. This course, I think, is important, for many members will be saved the trouble of writing out their opinions as well as be, perhaps, able to be more explicit than they would care or dare to be when putting down their views in writing. As stated in paragraph 5 above, here also I desire to say that when any member is consulted individually and submits his opinion in writing, confidentially, and expressly desires that his opinion should not be made public, his request should be respected and his opinion should not be made public or used otherwise.

10. I generally approve of the proposals for the proceedings of the Council as contained in paragraph 7 of Sir Harold Stuart's letter. I think this will be of great use and will have the effect of preventing many erroneous rumours and imputations of improper motives on the Government actions.

11. I think that some general rules might be framed under which the Advisory Council is to meet and the procedure to be followed by that body. Something on the line of the meetings of the Legislative Council or other Council meetings would serve the purpose.

A suggestion.

12. One other matter of detail I desire to suggest, namely, that a rule should be made under which the cost of travelling, etc., of the Councillors of both Advisory Councils is to be paid by Government when they attend the meetings unless of course they be residents of the city where the Council meets.

13. In conclusion, I beg to request Your Honour that I might be permitted to supplement my opinion hereafter if, after going through the criticisms which are bound to appear in the papers, etc., I think such an action to be necessary.

Dated the 20th September 1907.

From—The Nawab Bahadur of Murshidabad,
To—His Honour the Lieutenant-Governor of Bengal.

THE sealed cover containing your letter of the 13th instant enclosing copy of Sir Harold Stuart's letter No. 2310, dated 24th ultimo, has been redirected to me here from Murshidabad. I am here for a short change, temporary cessation from work having been advised for me after my recent indisposition. I should otherwise have been very glad to have the subject-matter of Sir Harold's letter personally talked over with Your Honour. But, as it is, the subject being a very important one, I have given it the careful consideration it deserves, having already thought over the matter since its publication in the newspapers. I give below, as concisely as I can, my views on the schemes.

2. (I) As regards the Imperial Advisory Council, I am afraid (*a*) the constitution proposed will not meet all requirements. I do not forget that the main object which underlies the scheme is the giving the people of India wider opportunities of expressing their views on administrative matters. I do not think that sixty ruling Chiefs and "territorial magnates," as such, will be sufficient either as exponents of public opinion on administrative measures, as channels for the diffusion of correct information on public matters, for correcting imputations based upon incorrect information, or for free consultation in matters of public importance. To me it seems that the development of the educated classes has made such advances as can in no way be ignored in the formulation of any scheme the real object of which is the taking the people into the confidence of Government for a free and close consultation in matters of common and Imperial interest. Moderate representatives of the educated classes, who have an adequate sense of responsibility and who have proved themselves worthy of the confidence of Government, are no less capable of making Government measures and motives more generally known and better understood. I do not for one moment imply that among the ruling Chiefs and the "territorial magnates" there are not many who, having taken advantage of the opportunities placed at their disposal and benefiting by the educational advantages, have not qualified themselves to advise Government on matters of importance; but at the same time I think that the claims of the educated classes, the creation of the Government itself, can hardly be overlooked. Shortly, therefore, so far as regards the constitution of the Advisory Council, I think that, of the sixty Imperial Advisors, at least one-sixth, that is, ten, should be representatives of the educated classes, men of approved loyalty and character, of moderate views and unselfish motives. These ten will represent the interests of a variety of departments and branches, and will make the scheme as acceptable as can be expected under existing circumstances.

3. (*b*) Properly constituted, that is, the best available persons being chosen, there is no reason why the Imperial Advisory Council should not very satisfactorily discharge the functions which the scheme would expect of them. The necessity, however, will be enhanced of getting the best available persons. These being secured, the success of the advisory body seems to be assured. But I should suggest and submit that the functions of the Council should not be merely consultative, but should extend to empower the Councillors to suggest measures and bring to the notice of Government the state of public feeling, public requirements and various other kinds which Government may not otherwise be in a position to know. Such suggestions and information received from persons in actual touch with the people are sure to prove more beneficial to Government than mere advice offered when consulted. Thus constituted with extended function, the utility of the Council is sure to be enhanced.

4. (*c*) As regards the proceedings of the Council, I think that the whole body of the councillors should be consulted individually or collectively in all questions of Imperial and common interest.

5. (II) Then as regards Provincial Advisory Councils, my observations regarding the constitution of the Imperial Advisory Council (*a*) apply equally to them. I think that the educated classes cannot be wholly ignored in consideration of the object with which the Councils are proposed to be formed. I do not think the constitutional requirements of the country will be adequately met if

the responsible leaders and representatives of the educated society, representing the masses, who, in a country, where education has not made such strides and has not yet penetrated into the lower strata, must, of necessity, for some time yet at least, be represented by them, were excluded from enjoying the privilege of being the confidential recipients of such information as the Government would give and of being the mouth-pieces of a people who cannot represent themselves otherwise.

6. (*b*) The function of the Provincial Advisory Council need not prove useless if only the right persons are selected and if they are extended on the line suggested by me in regard to the Imperial Advisory Council.

7. (*c*) Their proceedings may be by correspondence or personal discussion, as the importance or urgency of each particular case will call for. There is no reason why their deliberations should not be private before the result can be put into definite shape for public consideration or criticism.

Dated the 20th September 1907.

From—The Late Maharaja Bahadur Sir Jotindra Mohun Tagore, K.C.S.I.,
To—His Honour the Lieutenant-Governor of Bengal.

I have received Your Honour's favour of the 13th instant, requesting an expression of my opinion on the constitution of the proposed Advisory Councils. I wish I could confer with Your Honour personally on the subject. I could then fully and freely explain my views. As this is not possible at present, I must satisfy myself by giving brief replies to the questions Your Honour has been pleased to put to me.

2. The conception of establishing Advisory Councils is, no doubt, excellent. The organisation, if it be discriminately constructed and sufficiently well developed, will be productive of great benefit. The Imperial Council, it is proposed, will be composed of ruling Chiefs and territorial magnates. The former will be gratified and perhaps benefited by their association with the Viceroy in guarding Imperial interests; and the latter will feel honoured by being appointed confidential advisers of the representative of their Sovereign. They are the natural and hereditary leaders of the people, and the recognition of their status and influence will serve to strengthen their attachment to the British Raj, and induce them to readily co-operate with the Government in the effective administration of the Empire.

3. The constitution of the Imperial Council, however, as it is contemplated at present, does not seem to my mind to be quite a sound one. The ruling Chiefs live isolated from British India, and do not, I presume, take any active interest in the general administration of the country. They have no touch with the people and are ignorant of their needs and sentiments. I do not think, therefore, that they will be able to give any material advice in administrative matters. The large landholders have so long been unaccustomed to take any prominent share in public life, that their want of training and experience, however well disposed they may be to assist in administrative work, will not enable them to render any valuable services. It will be necessary, therefore, to introduce new and more vigorous elements into the organisation to ensure its success. To be really useful and not merely ornamental, the Council must be strengthened by men outside the sphere of ruling Chiefs and territorial magnates. Educated and cultured men, of moderate political views, of trained intelligence and energy, and of proved merit and ability should be invited to become members of such a Council to vitalise the organization, and to make it fit to produce substantial work.

4. If I may be permitted to speak frankly, young and inexperienced British officers, encouraged by the spirit of latter-day legislation, have done their level best to undermine, by openly pronouncing their radical views, the influence and position of zamindars and landholders and to destroy harmony and good-will between them and their tenants. It is, therefore, absolutely essential in the interest of good government to counteract the evil effect of the mischievous and radical propaganda. There are men among the educated classes—men of sterling worth, who, by their sound training and intimate knowledge of the trend of aggressive radical thought of the present day, and being more in touch with the people themselves, are qualified to meet the specious arguments against the propertied classes, and to preserve equilibrium among the different elements composing the Council. It is my firm belief that, under present conditions, if propertied classes and our educated men be judiciously combined, their joint influence would be productive of incalculable benefit to the State, in promoting the welfare of the mass of the people—especially when we consider that our educated men belong mostly to the upper middle class (who form part of the mass themselves), and their opinions and counsels would naturally have greater effect upon them.

5. It goes without saying that the success of the Council would mainly depend upon the men chosen as Councillors. They should be most discriminately selected, and they should possess, as Manu, the ancient law-giver of India, says, all the qualifications essential in trusted and competent advisers—men of mature age and experience, who have the capacity of thoroughly grasping, in all their bearings, the subjects presented for consideration, and can freely, but respectfully, represent their views to His Excellency the Viceroy, or to his representative who may be deputed to confer with them.

6. It is difficult to understand, from the scheme before me, the real function of the Council. I am unable to see what useful purpose can be served by the work assigned to it. It appears to me that this work is indefinite in its character. In the first place, the Councillors will not be allowed any original powers of initiation. If these powers be withheld from them, I do not see what incentive they will have to devote their time, talent and energy to the consideration of any question, however vitally it may affect the welfare of the people, especially when they have the discouraging pronouncement before them that the Viceroy may or may not accept their views. Under such a depressing consciousness, men would hardly take any interest in questions placed before them and be willing to sacrifice their time and energy upon any fruitless deliberation.

7. The principal object in view for organising such a Council is that it may supply "a means for free and close consultation." But there will be no record of this consultation. No trace of the opinion given will be left behind. The Government of India may use the opinion tendered for any purpose of its own, but strict silence is enjoined upon the Councillors. It is believed that "only confidential communications will secure frank interchange of opinion." Granting this remark to be generally true, there are, I believe, occasions when such communications, if guardedly worded and judiciously selected, would, when published, be of immense value. The Government of India say that the Council should be made "an agency for the diffusion of correct information upon the acts, intentions and objects of the Government." It is thus expected that "the Councils should be interpreters of Government to the people"; but if all communications with them be of a private and confidential nature, the mouths of the Councillors would be shut and their hands would be tied, and they would have no opportunity, nor incentive, to correct misstatements or remove erroneous impressions. To perform this task effectually, motives of action must be thoroughly explained; but this cannot be done unless the Councillors are at liberty to disclose the information placed before them. Considering both the advantages and the disadvantages of "free and confidential communications," I am inclined to think that—except on those questions in the consideration of which inviolable secrecy must be maintained—the opinions of Councillors taken either individually or collectively on all important subjects should be published. Such publication would be of great value, inasmuch as it would show to the people that the Councillors have exercised their utmost influence and made most strenuous exertions to do their duty both to their countrymen and to the Government by a correct representation of popular opinion on any given subject. The consciousness of doing this duty would act as an invigorating stimulus and afford them a healthy inducement to express their views freely on all measures of Government, both actual and prospective. It must be always borne in mind that the views of the Councillors will be of importance only when they are based on an appreciation of the needs, wishes and sentiments of the people. Without an adequate sense of responsibility, the deliberations of even the most trusted advisers of Government would be utterly fruitless.

8. The total number of territorial magnates is to be forty. This is to be distributed, of course, among the eight provinces of British India. I am of opinion that the number should be distributed in proportion to the area and importance of the provinces.

9. My remarks with regard to the constitution of the Imperial Advisory Council apply with equal force to the constitution of the Provincial Councils. The organisation of the latter body is to be on a wider basis. Representatives of "other important provincial interests" are to be admitted to it. There is, I think, a material difference between proceedings of the Imperial and the Provincial Council, as the latter are not to be "informal and confidential" and are to be reduced to writing. This is a material advantage, as it will enable the heads of the Government to have a permanent record of the opinions of their Councillors.

10. The admission of the representatives of smaller landholders, of industry, of commerce, of capital, and of the "professional classes" (including of course the educated classes) would be of great benefit.

11. There may be (according to the Oriental custom) some difficulty, considering the dignity and the high position of the ruling Chiefs, in associating them, in the Imperial Council, with our educated men who have comparatively a lower social status; but in Provincial Councils no such difficulty is likely to be experienced; and I believe that in the long run the latter body would prove of greater utility than the former, for if I may be permitted to give my honest opinion, the Provincial Council would ultimately do more substantial work than the Imperial Council.

12. The provision for tendering "a collective opinion" would, to my mind, be also an advantage, as it could be employed, when necessary, to correct all prejudices and misconceptions, by its publication, and would serve to strengthen both the hands of the Government and of the Councillors.

13. The Provincial Council is to be of a smaller size, but it ought not to be so small as not to be capable of including representatives of all important interests. I believe the number, considering the variety of interests, ought not to be less than thirty at least.

14. In this connection I wish to say that consultation with, and the expression of opinion of, a smaller number of Councillors, selected with reference to the special nature and importance of a given subject, would be of greater value than either individual or collective opinion taken in the manner proposed.

15. In conclusion, I do not wish to say anything in this place about the proposed reform of the Legislative Council. The condition that "official majority must be maintained" would, according to popular opinion, considerably interfere with the usefulness expected of it and would not be able to secure the confidence of our countrymen in its work, and would thus fail to meet their requirements and satisfy their aspirations.

Dated the 21st September 1907.

From—His Highness the Maharaja of Cooch Behar,
To—His Honour the Lieutenant-Governor of Bengal.

I AM in receipt of Your Honour's confidential communication of the 3rd instant, enclosing a copy of Sir Harold Stuart's letter No. 2310, dated the 24th ultimo.

2. Your Honour has been good enough to ask me to candidly express my views on the proposals made by the Government of India relating to the Imperial and Provincial Advisory Councils. I explained briefly my views to you at a personal interview the day before yesterday; and I now give expression to those opinions more fully.

3. I will first take the Imperial Advisory Council.

(*a*) In my humble opinion the Imperial Advisory Council should consist of two sections, one composed entirely of Ruling Chiefs, and the other of territorial magnates and representatives of commerce, industry, capital and the professions. In suggesting the inclusion of representatives of commerce, etc., I consider the Council will be more complete and representative and therefore better able to cope with all questions affecting Imperial policy. Of the 60 members which will form the Council, 20 as suggested should be Ruling Chiefs; the remaining 40 may be divided as follows: 28 territorial magnates and 12 representatives of commerce, industry, capital and the professions distributed equally.

(*b*) As regards their functions, I quite agree that they should be purely advisory for the present, but I would suggest certain modifications—

(1) The Council should be called together at least once a year as a collective body. This will afford the Councillors an opportunity of exchanging their views and discussing questions of Imperial interest at least once a year, even if there be no question referred to them by Government.

(2) Their opinions should be recorded and, if considered advisable or necessary by Government, made public.

(3) Dissenting opinion should be recorded, if so desired by the dissenting Councillors.

(4) The Ruling Chiefs should meet separately when matters affecting them personally or their States are in question.

I hold that our opinions in a collective form would be of greater value to Government and will carry greater weight with the public.

(*c*) The proceedings of the Council, when called together for collective consultation, may be private and confidential but not informal, and such proceedings should be always recorded.

4. I also think that any member or body of members of the Council, singly or collectively, should have the privilege of bringing to the notice of Government such matters as they consider of Imperial importance, with a view to their discussion in Council.

5. With reference to the Provincial Advisory Councils, in my opinion, Ruling Chiefs, as a rule, should not be included. I would also suggest that the Provincial Advisory Councillors be consulted oftener collectively than individually. As I have suggested in the case of the Imperial Advisory Council, the Provincial Advisory Councillors should have the privilege of requesting Government to seek the advice of the Provincial Council in regard to matters of grave importance other than those referred to them.

6. I must thank Your Honour for the opportunity you have kindly given me of explaining my views on such an important matter. I have no doubt the proposed Councils will be of material assistance to Government and will be the means of maintaining and strengthening that cordial relationship between the rulers and the ruled, which is the aim of Government.

Dated the 22nd September 1907.

From—The Maharaja of Darbhanga,
To—His Honour the Lieutenant-Governor of Bengal.

I was away in Bankipore, and Your Honour's letter reached me after my return some days after you had sent it. This and the difficulty of the question explain the delay in replying. I am very sorry Your Honour did not order me down to Calcutta when you were there. It would have been far more satisfactory to have talked over the matter with you.

Your Honour asks me about the constitution of the Council and the desirability or otherwise of advising "other classes." The second question is a most difficult one to answer. I suppose the Associations will recommend the inclusion of other classes, but I would suggest that the Government of India should at present confine its selection to the classes mentioned in the Resolution and after some time appoint individuals like Sir Gurudas Banarji, regarding whose loyalty and integrity there can be no question. It will be invidious to say what classes should be included and excluded; and the only way of evading the difficulty appears to me to put in certain individuals of proved merit and judgment as circumstances permit.

I would suggest also that the whole sixty should not be appointed at once: that the first appointments at least of Princes and noblemen should be unexceptionable. The noblemen should be only those about whose proved loyalty and merit there can be no question and who are *at the same time* in touch with the people. This must be the case if they are to be interpreters of Government to the people and, as a necessary corollary, interpreters of the people to the Government. The position will be one of very great, and I may also add, thankless responsibility. The first appointments will be most closely scrutinised, and the success of the scheme will greatly depend on the way it is worked during the first few years: I am decidely of opinion that no one who asks to be a Councillor should be made a Councillor.

(*b*) *Functions and utility of the Advisory Council.*—I believe we have discussed this aspect of the question at Belvedere. If the relationship of the Heads of Government with the Councillors are to be, if I may say so, such as exist between you and me, I am confident that much good will result, but not otherwise. There must be mutual trust and confidence. If not, the opinions offered will necessarily be of very indifferent value. The position of the Councillors will be, if I understand the duties rightly, one of no power but very great responsibility. The integrity of the Councillors on the one hand and the confidence that may be reposed upon them by Government will be determining factors in securing the success of the experiment. Let all Indians and friends of India pray to the Almighty that it will result in India's good.

(*c*) I quite agree in these proposals of consulting the Councillors "individually, collectively, either in whole or in part." There will of course be occasions for following each separate course.

Provincial Councils.

The proposals of the Government of India in paragraphs 6 and 7 appear to me to be admirable both as regards their function and constitution, but I would respectfully urge that the importance of "private informal and confidential" proceedings should not be minimised, as I strongly believe that these will not be less useful to Government than written communications. I would also demur to the proposal that opinions are to be presented in writing only. There are yet many persons, especially amongst the landed aristocracy, like the late Maharaja of Sonbarsa, whose knowledge and experience of their special subjects will enable them to give opinions of considerable value, but who cannot give a competent written opinion, and on whom this restriction will press rather unfairly. There will be also cases where a man, even if he can express himself properly in writing, will not care to do so with the same freedom as he would if he was addressing the Head of a Local Government at a private interview. I submit that this aspect of the question should not be lost sight of.

I would make the term of the appointment of the Advisory as well as the Legislative Councils at least five years, if it is not possible to make it equal to

the Parliamentary term of seven years. Two years is much too short a period for a man who does not belong to the Bar or to the Press to make himself properly conversant with public questions.

In conclusion, I would submit to Your Honour's consideration and to that of the Government of India, in case Your Honour approves of this idea, that there should be advisory bodies—they need not be termed Councils—for each division and each district, at least so far as your provinces are concerned. I am most certain that these Divisional and District Committees will be most helpful to the cause of sound administration and in keeping the Commissioners and the Collectors in touch with the people. I trust that influential persons in each division and district will be glad to serve, that a compact body of local helpers will be selected, and that a considerable amount of the suspicion that is bred in ignorance will disappear.

I hope Your Honour will be pleased to tell me if any portion of these remarks meets with your approval, and that you will give me a little longer notice in case you may care to ask my opinion on the remaining portions of the Resolution.

No. 692, dated Calcutta, the 10th October 1907.

From—T. A. MILNE, Esq., Honorary Secretary, Anglo-Indian Association,

To—The Chief Secretary to the Government of Bengal.

I AM directed by the Council of the Anglo-Indian Association to submit the following representation in reply to your letter No. 1977A.—D., dated the 18th September 1907.

2. The Council observe with some regret, not unmingled with surprise, that the scheme of representation presented for public criticism is in the main a scheme for Indianising the administration, and hardly takes that account of the agents and instruments of the British capitalists, who have done so much to develop the resources of the country and increase its wealth, which any such scheme would naturally be expected to take.

3. The Association does not venture to question the paramount right of the Indian masses to consideration. But the Government knows, as well as all intelligent observers of the conditions prevailing in the country, that, while the only Indian class which possesses much influence among, or much knowledge of the feelings of, the masses, is the class of resident country magnates from Rajas down to hereditary landholders on the one hand; on the other, the class of our Indian fellow-subjects which has become most urgent and successful in its demands has not only done comparatively little, if anything, for the benefit of the masses, but comes little into contact with them, and probably knows less of their feelings and their wants than an ordinary District Officer of experience and average ability.

4. It may therefore amount to a wrong to the masses to give a disproportionate share of representation to professional men and politicians residing and working chiefly in cities, or securing the support of bodies like District Boards in the mofussil.

5. While referring to the securing of votes, the Council of this Association would most respectfully question the wisdom of introducing into, or enlarging within, this country, an elective machinery and electioneering methods based on British models, which have been shaped by experiences for which no equivalent is to be found in India. With every desire to refrain from any language that need be objected to upon any ground, the Council feel bound to acknowledge the truth of the remark that Municipal elections in Calcutta usually represent the determination of some one person to elect himself and to secure the confirmation of his self-election by a process that can only nominally be described as a rational exercise of the franchise by genuine voters. So-called elections out of Calcutta among our Indian fellow-subjects are believed to possess all the disadvantages and none of the advantages, if they have any, of city elections.

6. The Council believe that the small share allowed to non-official Europeans in the mofussil in voting is more real because of their upbringing before coming to India, and their truer sense of the privilege of voting.

7. The remarks offered on the practical alienation of Indian town communities from Indian rural masses do not apply to non-official Europeans in or out of cities, because they do not pretend to represent the Indian masses but their own class, which holds a peculiar position in India and one of growing importance.

8. The Council submit that in all such schemes as the present, the respective claims of the masses of India, of Indian townfolk, and of non-official Europeans, ought to be carefully considered in their true perspective which an earnest effort has been made in this letter not indeed to delineate for the first time, but to place in its proper position in relation to any scheme of representation.

9. As regards their own community, the Council realise that their comparative insignificance in numbers, if in no other respect, has usually led to their being virtually ignored in all large schemes. They respectfully submit that the valuable services which they have rendered the State at all times,

alike in war and during peace, establish for them a distinct claim to be regarded as a useful minority which ought not to be ignored in the body politic. Whether Government intend to recognise them at all in the present scheme, the papers circulated do not afford them any means of ascertaining.

10. The Council recall with satisfaction the remarks made by the Hon'ble Mr. E. N. Baker when passing the present Calcutta Municipal Act through the Legislature that the Domiciled Community had as good a claim as, or a better one than, some others which had demanded to be recognised. The whole community would feel deeply thankful if some practical expression were now given to this opinion.

11. One suggestion has been published of which advantage might be taken. It is that responsible Associations already exist which represent different classes in the country, and that if these were allowed to recommend representatives whom the Government might afterwards appoint or not as it thought fit, a much truer representation might be secured than any now obtained by existing electioneering methods.

12. In conclusion, I am directed respectfully to urge that while the detailed arrangements proposed for discussions in legislatures seem to hold out prospects of somewhat better results than any which have followed the reading of lengthy and discursive essays, no concessions such as those now contemplated to our Indian fellow-subjects seems likely to satisfy the unreasonable demands that have been advanced for a preponderating influence in the Administration.

Dated the 24th October 1907.

From—The Maharaja of Moharbhanj,
To—The Chief Secretary to the Government of Bengal.

With reference to your letter dated the 18th September 1907, inviting my views on the matters dealt with in the letter of the Government of India, No. 2312, dated the 24th August 1907, I have to say that the measures which the Government propose to adopt with the object of satisfying the constitutional requirement of the Indian Empire, cannot but be regarded as a move in the right direction and will be specially welcome to the ruling Chiefs and the territorial magnates, whose claim to a share in the counsels of the Empire has received liberal recognition. As observed by the Government of India, the ruling Chiefs and the landed aristocracy possess a material stake in the country and represent the most powerful and stable elements of Indian society, and any advice coming from them will be all the more responsible. By bringing these classes into closer relations with the Government and its officers, I am sure the expectations of the Government of India that correct information will be diffused and erroneous and mischievous impressions removed as regards the acts, the objects, and the intentions of the Government will be fully justified.

2. With reference to the Imperial Advisory Council, I may suggest that when it is summoned to meet for deliberation the ruling Chiefs may be allowed to sit separate from the other members. Family traditions may stand in the way of their sitting and deliberating all together. There would, I believe, be no objection to their discussing matters with others in an informal way, after formal deliberations.

3. I would further suggest that one-fourth of the members of the Imperial Advisory Council may be selected from classes other than the ruling Chiefs and the landed aristocracy. Selections may be made from the classes representing commerce, industry, capital, &c. Retired Government servants, such as retired High Court Judges, may find a place in it. Persons of moderate views, who have attained to a position of eminence and influence in their professions or communities, may also be appointed. This would give a wider basis to the Imperial Advisory Council, and would ensure questions which come before it being considered from different points of view. Concentration of different elements and interests may lead to protracted discussions and difference of opinion, when the Council meets, but I believe the result would be beneficial than otherwise, and the advice that would be given would be more authoritative and representative.

4. In order to enable members to study fully the questions upon which their opinion is asked, they should be allowed the privilege of asking, when necessary, for information and papers which bear upon such questions and their request should be complied with, unless the Government thinks that it would not be conducive to the public interest to supply such information or papers.

5. The Imperial Advisory Council should meet at least once in the year. This would not only enable members to meet and discuss all questions of importance collectively, but would enable them to meet the head of Government and high officers at least once in the year. This would be the means by which confidential and intimate consultation with the Government may be possible.

6. What I have stated in paragraphs 4 and 5 above apply to the Provincial Advisory Council as well. I have nothing to add to what has been stated in the letter of the Government of India about the selection of its members.

7. As regards the enlargement of the Legislative Councils, I have no suggestions to offer. The proposals of the Government of India commend themselves to me.

Dated Calcutta, the 30th October 1907.

From—Nawab A. F. M. Abdur Rahman,
To—The Offg. Under-Secretary to the Government of Bengal.

I have the honour to acknowledge with thanks receipt of your memorandum No. 1906A.—D., dated the 14th September 1907, forwarding a copy of the Resolution of the Government of India, No. 2310—2317, dated the 24th August 1907, on the question of the constitution of Advisory Councils and enlargement of Legislative Councils.

2. In reply, I beg to express my fullest approval of the proposal of Government to constitute Advisory Councils for the purpose of confidential and intimate consultation between Government and its subjects. In these Councils, men who belong to the class of agitators, however cultured they may be, should be eliminated as much as possible, and only men of proved loyalty and ability, either territorial magnates or others, should be appointed. I am also strongly in favour of a continuance of the policy of Government to elicit the opinions of Indian gentlemen in all ranks of society on various administrative measures. Indian gentlemen who have had the privilege of advising Government on various matters for a number of years should be encouraged by continued confidence of Government.

3. With regard to the constitution of the Provincial Advisory Councils, I have no objection to a selected body of advisers being chosen on a wider basis; but I am of opinion that the members of the enlarged Bengal Legislative Council, as a rule, should not be permitted to sit on the Bengal Provincial Advisory Council, as they are likely to carry with them the traditions and characteristics of the former, and afford opportunities for fruitless discussions. I beg to suggest that members representing industry, commerce, capital and the professional classes, should be grouped into different sections to advise upon the particular interests they represent.

4. I also beg to observe that in the constitution of the Bengal Provincial Advisory Council, a due representation of classes should not be overlooked, and a certain proportionate number of Muhammadans should be appointed in order to secure adequate representation of that body. I venture to suggest that the number of this Council be fixed at 25, of which at least 4 may be Muhammadans, and that the latter may be selected from among suitable gentlemen, whose names are submitted by the Commissioners of Divisions, and from among representative Muhammadans of proved loyalty and merit residing in the metropolis.

5. As to the constitution of the Imperial Legislative Council, I cordially support the proposals of the Government of India, and respectfully convey to Government the grateful thanks of the Muhammadan community for the representation of their special interests on that august body. With regard to the mode of election of Muhammadans, so far as Bengal and Eastern Bengal and Assam are concerned, I am not in favour of a special Muhammadan electorate. My intimate knowledge of the Muhammadans of the Old and New Provinces induces me firmly to believe that a special Muhammadan electorate cannot be safely constituted on a workable basis. I therefore respectfully beg to suggest that the Muhammadan seats be filled by nomination, until Muhammadans are sufficiently advanced educationally to appreciate the advantages of the franchise and are above the influence and intrigues of wire-pullers and others.

6. I am also of opinion that of the four seats which the Government of India have proposed to set apart for Muhammadans, those for Bengal and Eastern Bengal and Assam be filled by nomination by His Excellency the Viceroy, and the remaining seats be filled by election by the other Provinces on the lines indicated in paragraph 18 of the Resolution of the Government of India.

7. I also beg to submit that the four Muhammadan seats in the Bengal Legislative Council should be filled by His Honour the Lieutenant-Governor by nomination from among non-official and official Muhammadans of proved loyalty, merit and ability.

No. 110, dated Calcutta, the 6th November 1907.

From—Nawab Bahadur Syed Ameer Hossein, c.i.e., Honorary Secretary to the Central National Muhammadan Association,

To—The Chief Secretary to the Government of Bengal.

I am directed by the Committee of the Central National Muhammadan Association to acknowledge the receipt of your confidential letter No. 1985 A.—D. of the 18th September 1907, forwarding a copy of the Government of India Circular No. 2312 of the 24th August 1907, and in reply beg to state as follows.

2. The principles enunciated in the circular letter of Sir Harold Stuart can hardly be improved upon, and they breathe a genuine desire on the part of Government to an enhancement of the political rights and privileges of the people of India. But the subject as elucidated in the various paragraphs of this letter shows the difficulties that are to be met with at every stage of the several schemes of "Constitutional reforms" laid out in this letter, and the Committee avail of the opportunity so kindly afforded them by His Honour the Lieutenant-Governor to submit the expressions of their views on the subject.

3. *The Imperial Advisory Council.*—No one will deny that the time has arrived for the creation and formation of the Imperial Advisory Council, nor can any one gainsay the advantages that will be derived therefrom, and the question of questions is what should be deemed the sufficient size and weight of this Council.

4. Of the several sub-sections in which paragraph 5 is divided, sub-sections (1), (2), (4) and (5) must meet with concurrence from every one of us, but if this Advisory Council is to be an agency for the diffusion of correct information upon the acts, intentions and objects of Government, the Committee do not think 60 members, of which 20 are to be the ruling Chiefs, could diffuse correct information *throughout India*.

5. The procedure or method of nomination to the Council should be clearly defined and laid down at the very outset. This is particularly necessary in the case of the 20 ruling Chiefs. The number of ruling Chiefs throughout India being virtually fixed and limited, their nomination could easily be fixed by rotation, so that they themselves may not feel that their appointment is due to chance or caprice. The rotation should, however, be so arrived at, as to have a number of the Chiefs of the first importance in each batch of 20. For instance, if the Nizam, Kashmere, Mysore and Baroda were included in the first batch of 20, and if they were displaced on the termination of their five years' office, for (unless it is the intention of Government to make these first-class Chiefs a permanent fixture) this probably will have to be done by a batch of 20 Chiefs of a secondary importance, the collective weight and importance of these 20 Chiefs of the second batch of advisers will be such as to cause the advise they may give not to be acceptable to Chiefs of the first importance, it being felt by such that the advice emanating from feudatories who are not their equals, and whose subjects and territories being insignificant in comparison with their own, they may be considered incapable to advise Government on matters which may affect their bigger States. It will, therefore, be necessary to avoid friction and heart-burning, to determine at the very outset that the appointment of the ruling Chiefs should be by rotation. In each batch should be included some of the ruling Chiefs of the first importance; say, if the Nizam, Kashmere, and Travancore are in the first batch, in the succeeding batch should be Mysore, Baroda, and Jaypore. In other words, all these leading Chiefs should not be in the first Council, so as to reduce the importance of the succeeding Council.

6. When these 20 ruling Chiefs are excluded, if the number of the Council is to be 60, then only 40 remains to be selected from among the "territorial magnates" of the whole of India, and taking the provinces and great administrative divisions of the country to be 10, we find there will be only 4 for each province or division, and the Committee are of opinion this is too small a number for the proper diffusion of the correct information *throughout* India. The number of the Imperial Advisory Council should therefore be increased by at least 20 and brought up to 80.

7. As regards sub-section 6, paragraph 5, while the functions of the Council may be confined to what is laid down in this clause, the Committee would nevertheless expressly lay down that it will be open to any Imperial Councillor to bring to the notice of Government any question which he may think deserves being brought under the consideration of the Advisory Council. This provision is necessary, as it will induce the Imperial Councillors to take interest in the public questions of the day.

8. As regards sub-section 7, paragraph 5, the Committee are strongly of opinion that the proceedings of the Advisory Council should be strictly confidential. But apart from the idea somewhat vaguely expressed in the way of public conferences, the seal of privacy and confidence should only be maintained, say for 5 years, after the question discussed is disposed of confidentially by the Advisory Council, unless it shall be at the expiry of the 5 years expressed by the Governor-General in Council that this subject should still remain confidential.

9. One other remark the Committee desire to make in connection with the Imperial Advisory Council, and that is, if the number be increased, the European non-official community should have its representative on the Council.

10. *Provincial Advisory Council.*—The Committee are fully in accord with the views of Government as stated in paragraphs 6 and 7, but Government have left unsettled one or two matters which should be fully determined upon before the final formation and establishment of these Councils. It is presumed the appointments to the Provincial Council will be made by the Governors and the Lieutenant-Governors, respectively, and not by the Governor-General, and as those of the Imperial Council are to be designated Imperial Councillors, these will be called Provincial Councillors in contra-distinction to those of the Imperial Advisory Council.

11. The Committee understand from the language of paragraph 6 that the Imperial Councillors belonging to the province will be *ipso facto* members of the Provincial Advisory Council representing the great landholdors. The members of the Provincial Council should not exceed 40. This number should suffice to enable the Council to enhance all the interests of sufficient importance to claim representation on behalf of the small landholders, industry, commerce and professional classes, and also retired Government officers.

12. *Enlargement of the Legislative Council.*—Paragraphs 8 to 11 of the circular letter clearly indicate the desire of Government to be further enlightened as to how this enlargement of the Legislative Councils should be effected so as to give representation to the views of the different races, classes, corporations and associations. These paragraphs therefore need no comment, save that the Committee are fully of opinion that the official majority must be maintained as long as there is no possibility of *party government* coming into vogue in the administration of this country.

13. As regards paragraph 12, the Committee are not sure whether 54 will not make the Council somewhat unwieldy ; but considering the various interests which have to be represented they cannot see how the number of members constituting the Council can be curtailed ; but if it could be curtailed without injury to the various classes concerned, the Committee should like to see the maximum strength reduced.

14. The Committee beg to suggest that for the representative under D(*b*) the choice of the electors should not be limited to a selection from amongst themselves only, but it should be open to the non-official members to elect any one who has been a member of the Legislative Council of the province, so that their choice may not be limited to the 6 or 7 non-official members then serving on the Provincial Council.

15. As regards paragraph 14, this question will have to be considered most carefully in connection with the special peculiarities of each province; for instance, in Bengal it will be possible to find many more than 150 land holders paying land revenue of Rs. 10,000 per annum, but in Provinces where the *raiyatwari* system prevails, it will hardly be possible to find 150 persons in the whole province who individually pay land revenue to that amount. In such cases the franchise should be conferred on those whose income may be a substantial one according to the discretion of the Local Government.

16. Paragraphs 16 to 19 appertain to the Muhammadan community, and the Committee beg to be permitted to add their humble testimony of gratitude and thanks to the countless grateful communications already sent to the Government of India for the careful and kindly regard and interest manifested in these paragraphs for the welfare and well-being of the Muhammadans; and if anything were wanting to attaching our community in its devotion and loyalty to the British Raj, these kindly and thoughtful sentiments of the Government as expressed in these paragraphs will certainly go to supply and fill the deficiency, if any there be.

17. To the views expressed in these paragraphs the Committee can add nothing of their own. They appear to meet all the requirements of the day of our community. The Committee would, however, only observe that to paragraph 18 (*a*) their remarks under paragraph 14 hereof apply, and that the electorate under A should be constituted of both past and present non-official members of the Provincial Council, while under C it is desirable that Muhammadans holding the pecuniary qualifications mentioned therein should form a portion of the electorate.

18. *The Provincial Legislative Council.*—Government have stated a truism when they state in paragraph 21 that the Municipal and Local Board franchises are extraordinarily low. This has been the view of many who take interest in this subject, and the Committee shall be glad to see not only the Municipal or Board members' qualification for nomination to the Legislative Council being raised, but also if the qualification for membership of the Boards were raised.

19. When Local Self-Government by means of Municipalities or Local Boards was first inaugurated or rather introduced by Lord Ripon, it was an experiment, and it was then thought desirable to make the franchise as less as possible to induce the people to take interest in Local Self-Government; but since that period, to use the phraseology of the circular letter, the extent of the advance that has taken place in the development of the educated classes who are anxious to be afforded an opportunity of discharging their public duties is now so great that the franchise may safely be raised without any loss or detriment to public interest.

20. The Committee entirely agree in the views expressed by the Government of India in paragraph 22, sub-sections A, B, and C.

21. *Discussion of the Budget in Legislative Council.*—The Committee would respectfully suggest that the preliminary discussion should be of an informal character something of the kind inaugurated last year by His Honour the Lieutenant-Governor at Belvedere, for it will be a most desirable improvement to the present discussion of the Budget.

22. The Committee would here suggest that with the enlargement of the Council a time-limit should be imposed to a speech, and on no account should members be allowed year after year to harp on their own time-worn hobbies or theories which had been fully argued time out of mind in former years, unless the member is able to advance new facts or fresh arguments in support of these theories; but the member should be allowed just to refer to the question in which he is interested, but which still remains undetermined.

Dated Uttarpara, the 9th November 1907.

From—Raja Peary Mohan Mukherji,
To—The Under-Secretary to the Government of Bengal.

With reference to your memorandum No. 1904A.—D., dated the 14th of September last, I have the honour to submit the following observations on the subjects on which opinion has been invited in the letter of the Government of India, No. 2310-2317, dated the 24th of August 1907 :—

1. The proposal for an Imperial Advisory Council for purely consultative purposes is justly based on a recognition of the value of the opinions on matters of practical administration of the ruling Chiefs and territorial magnates of proper dignity and status. In many cases their rank and wealth form but a small portion of their eminence, and it is but reasonable to expect that any defect in their political outfit would, in a short time, be made up by, the very sense of the responsibility of the great and sacred trust reposed in them as Imperial Councillors. Spacious arguments in favour of associating with them men of academic distinction may no doubt be advanced, but it should be borne in mind that in India, at any rate, it is not the talkers but men of action who have made its history. On questions of legislation and other measures affecting the interests of millions of men the opinions of men with mere intellectual attainments hold only a secondary place compared with the opinions of men of position and character, men to whom the Almighty has vouchsafed the influence of example. Even for the purposes of judicial administration Lord Lyndhurst is reported to have said :—"When I want a Judge I look out for a gentleman; if he knows a little law, so much the better but it is only a secondary consideration." One of the effects of associating the ruling Chiefs with practised speakers would be to check free discussion and make them tongue-tied. The reason assigned by Gibbon for not opening his mouth in Parliament is true to nature :—"The great speakers fill me with despair, the bad ones with terror."

2. I do not attach much importance to the fact that the opinions of the Councillors will not have any binding force or legal effect. In the initial stages of the institution it would be enough if Government be simply informed of the opinions of the ruling Chiefs and territorial magnates on particular administrative questions. If a large number of the Councillors hold a certain opinions, that opinion would have a moral effect which no Viceroy would care to ignore.

3. The service which these trusted advisers will render by disseminating among their subjects and tenants and other people under their influence the intentions and motives of Government in regard to particular measures would be invaluable.

4. In every respect, therefore, both as regard the constitution and scope of the Imperial Advisory Council, the scheme appears to have been happily conceived and the proposals of the Government of India to be unexceptionable.

5. So far as the scope and constitution of the Provincial Advisory Councils have been indicated in the Government letter, I am of opinion that these Councils would be of great benefit to the administration.

6. As regards the enlargement of the Imperial Legislative Council I am of opinion that so far as "official majority" and restriction of election to persons belonging to the class form parts of the scheme it is based on sound principles. The most objectionable feature of the scheme, however, seems to be the introduction of the principle of representation by creed. If Muhammadans be given a definite number of representatives in Councils, persons of other creeds might as well justly claim to have on the Council a minimum number of their representatives proportionate to the number of their population. In the absence of such recognition, unworthy motives might be ascribed to Government and such apparent neglect would inevitably lead to the creation of mutual jealousy and rivalry among the different sections of the community.

7. The scheme propounded by the Government of India is a most welcome advance on the present system of administration. It would be a marked step in constitutional progress and promote more intimate relations between the different factors which compose the Indian Empire.

No. 1565, dated Bankipore, the 10th November 1907.

From—Babu Krishna Sahay, Honorary Secretary, Behar Landholders' Association.

To—The Chief Secretary to the Government of Bengal.

I have the honour to acknowledge the receipt of your letter No. 1978A.—D., dated the 18th September 1907, forwarding therewith copy of a letter No. 2312, dated the 24th August 1907, from the Government of India regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, and in reply thereto I am desired by the Committee of the Bihar Landholders' Association to express their thanks and warm appreciation for the recognition by the Government of India of the importance of the landholders as a class and their claims to a due representation in the Councils of the Government. Considering that the letter under reply outlines only the broad features of the scheme now in contemplation for associating more largely the people of this country in the actual work of administration, leaving the details thereof for future consideration, the Committee have confined themselves only to the points raised in the scheme and venture to offer the following suggestion in regard to them.

2. *The Imperial Advisory Council.*—The Committee are of opinion that the "Imperial Councillors" should not only be titled as such, but that special privileges be conferred on them befitting their high position and their admission into the Councils of the Empire.

3. As regards its constitution, the Committee think that in order to make it thoroughly representative and useful it should not only consist of the ruling Chiefs and the territorial magnates, as suggested, but should also include the representatives from the commercial, industrial, educational and professional classes. If this Council is to consist of 60 members, 20 seats may go to the ruling Chiefs, 20 allotted to the territorial magnates, and 20 should go to the representatives of the commercial, industrial, educational and professional classes collectively.

4. While the Council may be a purely consultative body, its utility may be further increased by conceding to it and its members individually the right to take the initiative in bringing any particular matter affecting the well-being of the country to the notice of Government.

5. The proceedings of the meetings of the Council, in the opinion of the Committee, should not in all cases be strictly confidential and private, but may also, according to the requirement of the circumstances or the exigencies of the political situation of the country, be given publicity to, with of course the consent of the Councillor and the sanction of Government. Such a course is likely to enhance the value of the proceedings and assure the public mind of the reasons underlying a particular course of action adopted by Government in regard to any legislative measure or executive action.

6. *The Provincial Advisory Councils.*—As regards the constitution of the Provincial Advisory Councils, the Committee are of opinion that the Bengal Advisory Council should consist of as many members as there are districts in the province, having regard to a due representation of all classes of which the Government contemplates forming this Council.

7. As to its function and proceedings, the Committee are of opinion that they should be similar to those suggested in the preceding paragraph in regard to the Imperial Advisory Council.

8. *The Imperial Legislative Council.*—With regard to the expansion of the Imperial Legislative Council, the Committee generally approve of the scheme propounded in the letter of Sir Harold Stuart and note with satisfaction the desire of Government to give the landholders as a class a substantial representation on it. They think that this will not only be regarded as a boon conferred upon the landlords, but would also greatly add to the weight of the deliberations of the Council. They consider, however, that the qualifications of voters should be determined by the income of the landlords and not by the amount of land revenue that they pay; and should in the case of Muhammadans be somewhat lower than that of the Hindus.

9. *The Provincial Legislative Council.*—The Committee are unable to agree to the scheme outlined by the Government of India for the representation of classes on the local Council. It seems to them, regard being had to the variety of race, caste and religion among the people, that it is not feasible to form an electorate on that basis, and even if any could be formed, it might land the administration into difficulties which might prove very embarrassing. I am to add, however, that the Committee approve of the suggestion to introduce a system of franchise by forming electoral groups without making use of the caste organisation for it, on the basis of the four classes as specified in the letter under reply and fixing for each electoral group a distinct and appropriate qualification for voting. As suggested, the qualifications for the landholders may here be the payment of a certain sum as land revenue or cesses, for cultivators a certain amount as rent, and for traders and professional men a certain amount as income-tax, and thus raise the franchise.

Dated Muzaffarpur, the 12th November 1907.

From—T. R. Filgate, Esq., General Secretary, Bihar Planters' Association, Ld.,
To—The Offg. Chief Secretary to the Government of Bengal.

With reference to your No. 1979A.—D., dated the 18th September 1907, I have the honour to submit the opinion of the Bihar Planters' Assiciation on Officiating Secretary to the Government of India's letter No. 2310—2317, dated 24th August 1907. This Association approve of the suggestions of the Government of India, but are of opinion that in order that there should be no weakening of the paramount British power in India, it is essential that both in the Supreme and Provincial Legislative Councils there should be a majority of official members.

2. Taking into consideration the stake they have in the country and the fact of the commercial and industrial development of India by British capital, a larger non-official European representation should be provided for on the Provincial and Supreme Councils, and furthermore the Association are of opinion that the large interests the European community have in Bihar and elsewhere in the mufassal entitle them to representation by Europeans.

Dated Calcutta, the 12th November 1907.

From—Rai Sita Nath Ray Bahadur, Honorary Secretary, Bengal National Chamber of Commerce,

To—The Officiating Chief Secretary to the Government of Bengal.

I have the honour to acknowledge receipt of your letter No. 1983A.—D., dated the 18th September last, forwarding copy of a letter from the Government of India in connection with the formation of Advisory Councils and the enlargement of the Legislative Councils and inviting an expression of opinion of the Bengal National Chamber of Commerce thereon.

2. The Committee of the Chamber beg to submit the following observations on the subject.

3. The Committee observe with satisfaction that the Imperial Government of their own initiative intended to introduce measures of constitutional reform which have in view the bringing together of the people of the country in closer contact with the works of administration. The Committee rejoice to see that the scheme formulated recognises that ruling Chiefs and landholding classes, possessing a material stake in the country and representing the most powerful and stable elements of Indian society, should take a more prominent part in public life and render a larger measure of assistance to the Executive Government. Further, it is stated that for "the present at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life and are qualified to speak with authority on their behalf." For the attainment of this object the Government of India propose to establish Imperial and Provincial Advisory Councils. As regards the Imperial Advisory Council, it is proposed that it should consist of about 60 members, including about 20 ruling Chiefs and a suitable number of "territorial magnates." The Council will be purely advisory, without any legal status and with no formal power of any sort. The proceedings of the Council will be private, informal, and confidential.

4. The Committee agree in thinking that the "territorial magnates," which they presume mean principal landholders, rajas, and zamindars, are the natural medium by which the requirements of the tenants might be properly ascertained and through whom the object and reason of any measure adopted by Government may be rightly communicated to them without any fear of misrepresentation or misconstruction; but they can, however, in no sense be called the representatives of the people.

5. As a matter of Imperial policy, the inclusion of the ruling Chiefs in the Council may be desirable, but the Committee consider that their advice will be of little practical value owing to their knowledge being confined to the requirements of their own territories and to their ignorance of conditions, wants, and aspirations of the people residing in British India. It is also doubtful whether so many independent ruling Chiefs could be brought together and whether they would give expression to their frank and independent opinion when such opinion would militate against the avowed views of the Government. If they are to be associated only for the purpose of co-operation in certain measures, such as famine relief or education, that could be attained by other independent means. The appearance of the ruling Chief in the deliberations of the Council means heavy expenses to them, which will be considered as a great burden.

6. The Committee consider that the position of the Councillors will be an anomalous one, as they will have no defined work, no legal status, and no formal and recognised position. Their opinion will, therefore, carry very little weight either with the people or the Government which may accept or reject

it as they may please. In these circumstances, the Committee submit that it is very doubtful whether the members, be they the ruling Chiefs or "territorial magnates," rajas or landholders, would care to serve with alacrity at the sacrifice of their time, energy and money, if they come to realise that no statutory obligation will be attached to their opinion.

7. The same remarks apply to the constitution of Provincial Advisory Councils which have to perform analogous functions.

8. In order to make the Councils more effective and useful the Committee submit that it is absolutely necessary that the Councillors should be vested with some statutory functions, should enjoy certain privileges, and should be called together for the purpose of deliberation twice or thrice a year, whenever any important measure, financial or administrative, is proposed to be introduced by the Government, and that it will be binding on the Government not to pass any measure when it is disapproved by a majority of, say, two-third or three-fourths of the members. Unless some such power is vested in them, it will be merely an apology for a Council. The Committee do not for a moment suggest that the paramount power of the Government should in any way be weakened, but what they want to emphasize is that the opinion of the members, who are in a manner the mouthpiece of the people, should have due weight, and any representation made by them about the wants and grievances of the people should not be lightly passed over.

9. To make the Advisory Councils, both Imperial and Provincial, really useful and practical working bodies, it is, the Committee consider, of the utmost importance that leading intelligent Indian merchants, propertied men and men of culture, of mature age and experience, should be associated with the "territorial magnates." The even balancing of various interests, intellect and wealth will go to strengthen the Councils, add to their dignity, and lend a healthy tone to their deliberations and advices which will be respected alike by the rulers and the ruled. Otherwise the Councils as proposed would be ornamental but not useful bodies. In view of the importance of the internal trade it is essential that it should be represented on the Council boards by Indian merchants of position and wealth.

10. The Committee do not see any reason why the Imperial Advisory Council should in all matters deliberate in secret, and why the proceedings should not be recorded and preserved for future use. Deliberations made openly and publicly will command respect and confidence and the Councillors themselves will be impressed with a proper sense of responsibility when expressing their views. On special occasions, whenever necessary, their deliberations might be treated as confidential.

11. The Committee are glad to observe that an attempt is being made to expand the Legislative Councils with a view to meet the growing needs of the country and aspirations of its people. But the principles of creed representation and the proportion of elected members do not meet with their approval. If the distribution of seats in Councils is analysed, it will be seen that a very small portion of seats has been left for election. In fact, only seven members who are to be elected by the non-official members of the Provincial Councils and a certain number to be elected by the nobles and landholders, may be reckoned upon as representing the interest of the people and who may to a great extent be relied upon to give expression to their views and sentiments. The principle that the Government should always be able to reckon on a numerical majority and that this majority should be strong enough to be independent of the minor fluctuation that may be caused by the occasional absence of an official member, has been carried rather too far; and in furtherance of this the Government has propounded a scheme by which it will have an overwhelming majority and the voice of the minority will be practically drowned.

12. The Committee regret to observe that any special favour should be shown to a particular creed by reserving a certain number of seats for them in supersession of the claims of all other races and creeds. If the principle of creed representation is to be recognised as is proposed in the case of Muhammadans, then Sikhs, Parsis, Native Christians, Buddhists and followers of other creeds would have equal claims to a similar recognition, and it would be a gross injustice if no special provision be made for their representation.

13. The criterion of fitness of members should, in the humble opinion of the Committee, be their intellectual capacity, and any departure from it would lower the dignity of the Council in the estimation of the people.

14. In a Legislative Council expert opinion is absolutely necessary, and though Government propose to counteract the influence of the professional classes by the creation of new electorates for the landed and monied classes, it would not be a wise policy to reduce to a minimum the lawyer element in Council.

15. The Committee regret to observe that while the Chambers of Commerce of Bombay and Calcutta have been given the privilege of electing members, the Indian Chamber which represent the internal trade of the country have been altogether ignored. Some provisions should be made to remedy this defect.

16. The test that the payment of Rs. 10,000 in the shape of Government revenue (including probably Road and Public Works cesses) will give a landholder the right to vote and make him eligible for a seat in the Council, is in the opinion of the Committee too high, and it would have the effect of narrowing the electorate to a limited few and its fallacy would be apparent from the following few illustrations.

17. There is a small zamindar in the district of Howrah who owns a very large estate in the district of Chittagong, but assessed with a disproportionately high Government revenue for which he has to pay for Government revenue and cesses about Rs. 55,000 a year, but his margin of profit, after payment of Government demands and the establishment charges, is very small indeed, amounting to about Rs. 5,000 a year, if not less. While the estate was under his own management he could hardly realise enough rent to meet the Government demands and the result was that he soon got involved in debts; he had therefore the good sense to make over the estate to the Court of Wards in Chittagong which is able through the certificate procedure to realise a much larger amount and thereby pay the Government revenue every *kist* regularly, besides gradually liquidating his debts.

18. There is another small zamindar in Calcutta who has a large estate in the Diamond Harbour subdivision of the 24-Parganas for which he has to pay Government revenue including cesses about Rs. 28,000, but his profit is almost *nil*, and at every *kist* he has to borrow money to meet the Government demands. Now under the test proposed, while the above two impecunious landlords, because of their paying revenues of about Rs. 55,000 and Rs. 28,000, would be entitled to vote and be members of the Imperial Legislative Council, the proprietor of *Aula Fuljuri*, a very large estate in Backerganj, the Government revenue of which is only about Rs. 300, but which yields a net profit of about $1\frac{1}{2}$ or 2 lakhs of rupees a year, would, if he had no other estate, be debarred from the right of voting and would be deemed ineligible for a seat.

19. The instances cited above will illustrate that the mere payment of a certain amount of Government revenue is not a proper test and is no criterion of one's wealth, income or position.

20. The Committee therefore suggest that the payment of Rs. 2,000 Government revenue and cesses or a net income of Rs. 25,000 from landed property, or payment of income-tax on an income of Rs. 25,000 should entitle a person to vote or become a member of the Imperial Legislative Council.

21. As regards the constitution of the Provincial Council, the remarks of the Committee on the principle of creed representation apply with equal force. In the opinion of the Committee, the appointment of Muhammadans, *qua* Muhammadans, irrespective of all considerations of fitness, in preference to others of different creeds, possessing, it might be, higher abilities and wider experience, will be looked upon as a retrograde step and will tend to lower the dignity of the Council.

22. The Committee regret to observe that no provision has been made for the representation of the educated, professional and commercial classes, who by their intellectual superiority and experience are best fitted to assist Government in the deliberations of the Council.

23. It also strikes the Committee that in the matter of the franchise as detailed in paragraphs 17 and 22 of the letter of the Government of India, undue favour has been shown towards the Muhammadans, which the other races will naturally take exception to and which, in the opinion of the Committee, should be modified. For instance, if a Muhammadan graduate should have the franchise to elect a Muhammadan representative, it is not conceivable why the same privilege should not be enjoyed by a Hindu or a Christian graduate or a graduate of any other race. The limit as to the amount of income-tax payable in both the cases markedly differentiates the classes, and this restriction should, the Committee consider, be removed.

24. The proposal made for the discussion of the Budget is no doubt an improvement, but the Committee think it falls far short of the expectation of the Indian people. Unless the members are allowed to move amendments and to raise debate on matters relating to the Budget and to alter any of its items, the academical review of a financial arrangement "even if it be borne in mind by Government when making arrangement for subsequent years" cannot be of much use. The Committee submit that the representatives of the people should be allowed a substantive voice in the administration of the finance, and the settlement of the Budget should, at least a month before the debate takes place, be referred to a Select Committee of even number of official and elected members of the Council, the Budget items to be fixed according to their recommendations.

25. The Committee beg further to suggest that some portion of the revenue should be ear-marked and left to the control of the non-official members to be utilised by them for such purposes as might be conducive to the welfare of the people.

26. In conclusion, the Committee are thankful to Government for the formation of the Advisory Councils and enlargement of the Legislative Councils, which they consider as a step in the right direction, and it will be a great satisfaction if Government could see their way to adopt the suggestions made by the Chamber. They consider these measures as the first instalment of a series of other measures which will lead to still higher concessions being granted in the future.

Dated Bhagalpur, the 28th November 1907.

From—Rai Tarini Prasad Bahadur, Honorary Secretary, Bhagalpur Landholders' Association,

To—The Chief Secretary to the Government of Bengal.

I have the honour to submit by the direction of the Association its views on the scheme for the formation of Advisory Councils and the enlargement of Legislative Councils as proposed in the Government of India Despatch No. 2310—2317, dated Simla, the 24th August 1907 (Home Department).

2. The Association is thankful to Government for the solicitude shown for giving a wider representation to the landed interests of the country, and thinks that it affords good grounds to hope that better results will follow therefrom.

The Association considers that the proposal to form Advisory Councils is decidedly a step in the right direction. It only thinks that the scheme as proposed in the despatch requires to be considerably modified in order to make the Councils really useful. The object of Government in forming these Councils is to create means for obtaining appropriate advice from competent persons in respect of measures of Government, as also of making Government measures and motives generally understood by the people. In order to make such advice really valuable, it should represent the views, ordinarily, of the people of the country. Consequently, the advisers ought to be such men as can properly represent such views. The scheme does not lay down any rule as to how these advisers are to be appointed. It only says that the Viceroy should appoint them himself, or on the nomination of the local authorities. This Association suggests that it would be better and more desirable if the appointments be made chiefly on the basis of election by the people. The despatch alludes to the traditions of old oriental policy and states that the sovereign used to make it his business to consult competent advisers. This Association begs to point out that the advisers have to be competent, that is, they should be such persons as would be able to represent the views of the people. At the present day, the best way of finding such persons is by election by the people. It is very desirabe that when the Councillors are appointed, the appointments should always include only such persons as are really competent to represent these views.

3. The scheme contemplates that only ruling Chiefs and territorial magnates should be appointed to form the Imperial Advisory Council. The Committee of the Association further submits that this will be a very narrow field. There ought to be in the Council persons representing trade and commerce, the industries and education, the professions and capital. It further submits that as the ruling Chiefs can hardly have any knowledge or information about the internal circumstances of British India, their advice would be useful only as to matters affecting themselves and imperial policy and may be sought in regard to those matters. About the professional classes, although the despatch makes certain unfavourable observations on them, this Association ventures to submit that they form a powerful body in the country and ought to have their representatives in the Councils. In almost all cases where professional men were in the past elected to the Council, even by Landholders' Associations, they did not exercise their power and influence for the aggrandisement of themselves or of their professions, but did so for the welfare of their constituencies, and the Association strongly deprecates the slur cast on the professional classes in the Government letter. As a matter of fact all the landholders, when submitting their views to the Government, consult their professional advisers.

4. The state of things in ancient India has undergone great change. In those days the territorial magnates had considerable real influence over the people and could guide their opinions, but during British administration that influence has largely disappeared, the British Courts and authorities having

taken much power to themselves. It is, therefore, necessary that in addition to the territorial magnates, the other interests, especially education interests, should obtain representation.

5. The despatch states that these Councils should receive no legislative recognition and should not be vested with formal powers of any sort. This Association ventures to think that such a course will not make the Councils attractive to really representative men of the country. It will not also bring home to the members sufficient sense of responsibility, as only real responsible work can create it. It is necessary, therefore, that statutory recognition should be given to these Councils.

6. The Committee of this Association begs further to suggest that although, generally, it will be in the discretion of the Government to refer matters to the Councils for advice, still the rules ought to provide and make it incumbent on Government that it should invariably seek their advice in all matters relating to the Budget before it is framed, and in all matters relating to any particular measure of legislation before a determination is arrived at, for placing it before the Legislative Councils, and generally in all other important matters affecting the interest of the country. While the mind of Government is not yet settled, such advice ought to be sought, so that in coming to a determination it may really have the benefit of it. The Councils should also have the right of initiation in placing their views before Government in important matters affecting the interest of the country when they may think it necessary to do so.

7. The scheme provides that all advice given by the Council should be informal and confidential and would not be published, although Government will be at liberty to make any use of them. This Association submits that such a wholesale provision for privacy is likely to diminish the sense of responsibility in both parties. It is, therefore, suggested that a return of all cases where Government acts in contravention of the advice given by a majority of the Councillors should be periodically submitted to the Secretary of State with a view to the ultimate submission of the same to Parliament and published, giving the matter on which advice was sought, the advice given, and the reasons why Government acted against it.

8. With reference to the Imperial Legislative Council, the Association views with satisfaction that in the scheme framed in the despatch, provision has been made for 7 members to be elected by the nobles and great landowners of the country. But it thinks that the alternative provision for election of these 7 members by the landholding members of the Provincial Councils is not satisfactory. In each province the election should be made by a separate electorate of moderate size. The landholding members of the Provincial Councils will be few in number and the great body of landholders in the Province cannot consider that the provision for election by those few members would be satisfactory. As such election is to come on once in five years, it cannot operate as a hardship on the landholders. The Association agrees with Government in thinking that the members elected to represent the classes must themselves belong to those classes, but submits that in Behar the proper test of eligibility for a franchise should not be that of Government revenue paid but the amount of income of the landholder, which may be fixed at Rs. 50,000 a year.

9. In the Imperial Legislative Council there should be members from all sections of the community. It appears that officials, trade representatives, and landholding interests have been, to some extent, properly taken in. But the industries, agriculture, education, and the professions have all been included under 12 (*2*), D (*b*), which provides for 7 members, that is, one member for each province. There is no direct recognition of these interests in the rules, but as the Provincial Councils are likely to contain members representing these interests, they may elect such members. Our Association thinks that for the interests of the country, a more suitable provision should be made for the representation of these classes. Seven more members may be added to the Imperial Council from the seven provinces.

10. Paragraph 12 of the despatch provides for the election of two members to the Imperial Council by Muhammadans. Our Association has every sympathy for them and would be glad to see that they are fully represented in

the Imperial Council. On the score of a provision being made in their favour, our Association has little to say. But as a matter of principle, it seems that it is unbecoming to class them along with trade, landholding interests, and interests represented by the non-official members of the Provincial Councils. When the right of election is granted to a certain class, it ought to be granted to all other similar classes. Consequently the provision in 12 (*2*) (*d*) seems unsatisfactory. If it be necessary to allow due and adequate representation to the Muhammadans, that may be done by increasing the number under head 12 (*2*) (*e*), and the Viceroy himself, with the object of nominating members, may frame rules for election.

11. With regard to the Provincial Legislative Councils, our Association notes with regret some of the directions given in the despatch for electing members to these Councils. The scheme proposed is a new departure altogether and is not quite in harmony with the traditions of British rule in India. It is based on consideration of the different races, castes and religions in the Provinces, and is not only complicated but fraught with evil, as it would have the inevitable effect of accentuating the difference among the different races and religions of the country and of bringing in its train all the concomitant evils thereof. Bengal, Madras, and Bombay have under the auspices of British rule made sufficient progress, and a scheme based on these differences is not likely to suit them. Our Association thinks that separate electorates for the various interests of the country may be formed to elect their respective representatives for the Provincial Councils, these interests being the landholding, capital, industries and manufactures, commerce and trade, labour and service, education and professions.

12. The Association views with satisfaction the scheme put down in the despatch for improving the character of the Budget Debate, but submits that it should be found possible to make provision for altering the Budget under review on good ground shown in the debate for such alteration. It is a measure of doubtful utility only to provide that the discussion made one year in the Council should be remembered at the time when the Budget for the next year is framed. The observations made in paragraph 6 of the letter will be found, it is hoped, of great utility in this connection.

No. 59, dated Cuttack, the 10th December 1907.

From—Babu Ram Sankar Roy, Secretary to the Orissa Association,
To—The Chief Secretary to the Government of Bengal.

With reference to your letter No. 1981A.—D., dated the 18th September last, forwarding the Government of India's letter regarding the formation of Advisory Councils and the enlargement of the Legislative Councils and inviting an expression of opinion of the Orissa Association, I have the honour to submit the following opinion of the Association.

2. The Association while appreciating the initiative taken by the Government of India in proposing measures to bring "all classes of the people into closer touch and relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions," would at the outset submit that Western culture and education have awakened in the best minds of all classes aspirations to be not only associated with the Government in the "guardianship of common and imperial interests," but to have a larger sphere of Self-Government under the guidance of the paramount power. The Association fully appreciate the generous recognition by Government of the same as the legitimate consequence of the liberal education which they have given and their endeavour to afford every facility and opportunity for their gradual attainment. But the Association after mature deliberation are of opinion that the measures proposed are not commensurate with the noble intentions of Government and are likely to bring about contrary results.

3. It is stated that "no constitutional reform would meet the real requirements of the present time which did not make adequate provisions for representing the landed aristocracy of India, the mercantile and industrial classes," "as possessing a material stake in the country and representing the powerful and stable elements of Indian society and the great body of moderate men who under existing conditions have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence." Now there are no classes in Indian society whose interests are not intimately connected with the land of their birth and intermingled with one another, and all the classes have in consequence a material stake in the country such as to invest it with that stability of interest which is essential for their existence, growth and future progress.

4. *Imperial Advisory Councils.*—This Council is proposed to be composed of ruling Chiefs and territorial magnates. The avowed objects of Government being to afford all classes increased opportunities of making known their feelings and wishes in respect of administrative and legislative questions, the Association consider that by confining the Imperial Council to the aforesaid bodies without reference to their culture and independence of character, the only criterion of eligibility which the extent of advance of education at a rapid pace during the last twenty years has not only justified but demanded its recognition, seems to be disregarded. These ruling Chiefs beyond their dominion, and the territorial magnates, do not now hold the same position and influence of hereditary leaders as before. In this respect the best traditions of oriental polity as also other social and religious traditions are fast melting away under the strong and levelling influence of Western education and ideas, and such a wise and statesmanlike Government as the British would not fail to recognize and grasp the new elements and conditions which are working so fast such marvellous changes in the Eastern minds who do and must slip away from the influence of so called hereditary leaders who cannot combine with their dignity and status, strong personalities endowed with education and moral character. It is a matter of common knowledge that wealth yields its influence to the power of intellect and character, and this fact is amply borne out by the complaint about the low return of the representative of the former in the Legislative Councils whose interests are so anxiously sought to be safeguarded.

5. The Association further beg to observe that the knowledge and experience of the ruling Chiefs being based upon special local conditions confined within the narrow limits of their respective States and they having very little opportunities of knowing the real requirements of the British subjects, their opinion on matters affecting the interests of British subjects would not be of much value. Their inclusion in such large numbers would hardly inspire confidence in the minds of the people, who would question their competency on account of their peculiar political position to advise and, if necessary, give their independent opinion, even though they might happen to be otherwise competent.

6. The Association would therefore suggest that not only such of them who on account of their culture and independence of character have acquired the confidence of the people might be selected, but their number should be reduced in order to give greater room to the natural leaders, that is, persons of culture and independence of character in British India whose services would be more valuable in matters affecting British subjects.

7. The Association would further suggest that half the number of members composing the Council might with great advantage be selected by election from the Provincial Councils and the representatives of recognized public Associations.

8. The Council being devoid of powers of any sort and possessing no power to initiate any measure, their proceedings being private, informal and confidential, there is hardly any guarantee of their being impressed with a sense of responsibility, hardly any incentive for ungrudging patience and painstaking which the gravity of the questions to be dealt with will entail. If there is any serious difficulty in the way of any legislative recognition of their proceedings, the Association do not see any objection to their being vested with some power to suggest any administrative or legislative measure after collective consultation. The Government cannot have failed to notice the popular demand for the acquisition of an effective voice in administrative and legislative matters. No reform which is not some concession to such demand sufficient to inspire confidence, would hardly satisfy the aspirations of the best minds in all classes of Indian society whose co-operation the Government is so anxious to seek even for the purpose of removing erroneous impressions regarding the motives and intention of Government.

9. Besides, the condition of secrecy will frustrate the main object of utilizing the Counsellors as interpreters between the Government and the people, for it will reduce their responsibility to a shadow and take away the edge of all incentive for a free and independent expression of their opinions. The Association would therefore suggest that their opinions and proceedings should be published in order that they might satisfy public curiosity and give them greater weight and value and remove all suspicions against their independent character, as the people will have little confidence in those who would hesitate to give their frank opinions the light of publicity.

10. *Provincial Advisory Council.*—The general observations made above in connection with the Imperial Council apply *mutatis mutandis* to the Provincial Council. As the Council will be organized on a wider basis, the Association would point out the necessity of extending the principle of election to at least one-half of the entire number composing the Council, the other half being selected by nomination. The Municipal and District Boards at present exercise the power of electing members to the Legislative Council. In vesting these bodies and also recognized public Associations or other Unions representing special interest in the district with powers of election, the Government will not only invest these bodies with a greater sense of responsibility and infuse them with greater activity, but through them effectually make known to the public the motives and intentions of Government. The Association believe that such a measure will be a gratifying step forward towards the "fulfilment in no ungrudging spirit of a pledge which the people of India are entitled to regard as inviolable."

11. *Imperial Legislative Council.*—The Association before submitting their opinion on the measures proposed would at the outset humbly submit that there is hardly any justification for the complaint about the preponderance of the legal profession in the Legislative Councils. The very fact of their influence

being on the increase is an admission of their special qualification due to their special training and independence of character and their close touch with all classes and interests, and this entitles them to represent the views and wishes of all classes and interests in matters affecting them by any legislative measure. They are not only men of culture but have landed or monied interests, and it would hardly be wise and politic to minimize their influence, as is anticipated to result from the principle under which the Council is proposed to be constituted.

12. A seat for a ruling Chief in the Council seems to be quite unnecessary, as he will be unfit on account of his ignorance of the requirements of the British subjects to give any help in any legislative measure. That seat may be more advantageously spared for a backward province to be filled up by nomination of a man of culture and independence of character.

13. For reasons stated at length above, the Association would humbly suggest that seats should be allotted to the representatives of the five great Universities in India and recognized public Associations and Unions representing special interests.

14. The Association would suggest that in forming electorates for landholders the amount of land revenue, Rs. 10,000, giving a right to vote, should be reduced to Rs. 2,000 in order to encourage these landholders to take greater interest in public affairs. So far as Orissa is concerned, the reduction is necessary, as otherwise the right will be extended only to a very few, most of whom are again non-resident.

15. *Provincial Legislative Council.*—No definite scheme has yet been formulated for the organization of the Provincial Legislative Council, and the Association are therefore unable to give any definite opinion upon it.

16. The Association would generally deprecate any undue importance being attached to racial, caste, or class representation in the organization of Municipal or Local Boards without having due regard to their efficiency and competency in the management of the affairs of such Boards.

17. The Association would suggest that to give each part of the Province an equal share or facility in the exercise of its right of representation, one seat for each Commissioner's division might with advantage be reserved to be filled up by election by the District Board or Municipalities (by turns or jointly) in the division. This step will afford each division to represent its special needs and requirements.

18. In conclusion, the Association would earnestly press upon the attention of Government the special claims of Orissa for a seat in the Legislative as well as in the Advisory Councils. Having regard to the special land-tenure system of Orissa, and the backward condition of the people with their peculiar manners and customs, it would be giving bare justice to allow them special facility for constant representation of their interests in the Council. In the absence of proper representation their interests have not only greatly suffered but at times been overlooked in the matter of legislation. Some legislative measures suited to the advanced conditions in Bengal proper have been made applicable to, or have been extended to, the limited and backward conditions in Orissa, and in consequence, practical difficulties have arisen in their application and operation, and have most injuriously affected the interests of the less advanced classes in Orissa. The local officials, if referred to, will bear out the truth of this statement. As the territorial magnates or big landholders in Orissa are only very few and most of whom are even non-residents, the Association would suggest that the Municipalities and recognized Associations in Orissa might be vested with the power of selecting a special representative for Orissa in the Provincial Legislative Councils.

No. 397, dated Calcutta, the 10th December 1907.

From—Maharaj-Kumar Sir Prodyot Coomar Tagore, Honorary Secretary, British Indian Association.

To—The Offg. Chief Secretary to the Government of Bengal.

I beg to acknowledge receipt of your letter, with enclosure, No. 1976A.—D, dated the 18th September 1907, requesting an expression of opinion of the British Indian Association on the proposed formation of Advisory Councils and the enlargement of the Legislative Councils. In reply, I am desired by the Committee of the Association to submit the following observations for the consideration of His Honour the Lieutenant-Governor.

The Imperial Advisory Council.

2. The Committee cordially approve of the proposal for establishing both Imperial and Provincial Advisory Councils. The Imperial Council will be invested with much dignity and will command great respect, and, if well-constructed, will supply the means of giving political education to the ruling Chiefs and territorial magnates. It will ultimately form the nucleus of an Upper House, having immense possibilities before it. When sufficiently well-developed, it will be a source of great power to the Government and the people. The Government of India are right in saying that the establishment of such a Council would be no innovation in principle, as an organisation of this nature existed in ancient India. Such an institution was recognized by ancient Hindu polity, and Hindu Sovereigns in the plenitude of their power were guided in all their measures, domestic or foreign, by the counsels of competent advisers. The revival of the institution, if it be adapted to modern requirements, is sure to meet with general satisfaction. The Councillors will be brought into closer relations with the Government, and will be greatly honoured and benefited by being intimately associated with the Viceroy in safeguarding Imperial interests.

3. The constitution of the Council, however, is, in the opinion of the Committee, wanting in several essentially useful elements to make it complete and capable of advising Government on questions of Imperial Importance in connection with the administration of the country. The Ruling Chiefs have no intercourse in daily life with the residents of British India, and have little opportunities to know "the needs and sentiments of the masses of the people." The landed aristocracy, or the territorial magnates, who are recognised as "the hereditary leaders of the people," and some of whom are very capable and intellectually advanced, will represent, however worthily, only one special interest—though the largest interest,—namely, the landed interest. But there are a great many other interests unconnected with land, the representatives of which ought to be introduced into the Council. To make it a really useful body of advisers to the Government, persons of culture and experience and of well-balanced political opinion, who are fully capable of freely expressing their views on all questions of public importance, and—what is most important of all—of diffusing correct information as to facts and intentions of the Government, should be associated with the Ruling Chiefs and the territorial magnates on the Council. In this connection, the Committee are reminded of the words of Manu, one of the oldest law-givers of India, when he speaks of the *personnel* of the advisers of Kings. They ought to be men "of property and culture, able and experienced, who are capable of thoroughly grasping, in all their bearings, the subjects presented for consideration."

4. Neither the functions nor the proceedings prescribed for the Council commend themselves to the Committee. They are not of a substantial character. The Councillors will possess no powers to initiate any measure, and will not be held responsible for their work. They may individually, collectively, or by Committees be consulted on any actual or prospective measures of Government, but the result of the consultations or deliberations will not be recorded, and no trace of the work done by them will be left behind. The functions are to be purely advisory, and they are not to be vested with formal powers of any sort. Strict silence is to be maintained by them in regard to their relations with the Government. The proceedings are to be private,

informal and confidential. The Committee believe that under such conditions it would be difficult to induce really good men to accept the office of Councillors. They are expected to act as interpreters between the Government and the people, but if they are to maintain inviolable secrecy and silence with respect to all questions placed before them for consideration, how can they be qualified, or able, to correct misconceptions or erroneous impressions, or to explain the motives of official action? For this purpose, it is absolutely necessary that the Councillors should be empowered, under proper safeguards, to use all the information placed before them. This is necessary for another powerful reason. In order that the Councillors may effectually be able to influence the people, they must acquire their confidence, and this cannot be acquired unless the people are convinced that full information is given to them, and that there is nothing veiled in mystery. The Committee would suggest that, when necessary, individual opinions, or collective deliberations, should be published for the purpose of satisfying legitimate public curiosity, and also for strengthening the influence and the weight of the advice of the Councillors. Let secrecy be by all means maintained, when such secrecy is required for public weal, but when it is harmful, and would be calculated to unnecessarily mystify the people, it should not be enjoined, as it would destroy public confidence. The Committee, therefore, respectfully venture to propose that as regards the functions of the Council, the members should have the privilege of bringing to the notice of Government such matters as they consider of importance, and of inviting discussion thereon at a Conference.

5. The number of Councillors should be distributed in proportion to the area, population, importance and varied interests of each Province.

Provincial Advisory Councils.

6. The Committee are gratified to notice that there is to be material difference between the constitution, the functions and the proceedings of the Imperial and those of the Provincial Councils. The latter are to be organized on a far wider basis, though the analogy between the two Councils is to be formally maintained. Besides Provincial magnates, there are to be in the Provincial Councils representatives of the smaller landholders, of industry and commerce, of capital, and of what are called "the professional classes," the latter including, no doubt, educated and cultured men of the Province. Thus the representatives of all important interests of the Province are to be admitted in the Council. The Committee are also glad to observe that the opinions and deliberations of the Councillors, taken either individually or collectively, are to be recorded. In this way, without destroying the advantage of close and confidential communication, importance will be given to the proceedings; and the written record may enable the Government, when necessary, to appeal to the people by publishing the matured opinions of their natural and hereditary leaders. The Association of non-official Europeans, representing important interests, with representative Indian gentlemen, is to be welcomed on various grounds. They will be mutually benefited by such intimate association.

7. The Provincial Advisory Councils are to be of smaller size. But they ought not to be so small as to be incapable of including in them the representatives of all important Provincial interests. In Bengal the number ought not to be less than thirty-five. All the different districts of the Province, in the opinion of the Committee, should be adequately represented.

8. The Committee would beg His Honour to consider their remarks, with regard to the constitution, functions and proceedings of the Imperial Council, as equally applicable to those of the Provincial Advisory Councils.

The Imperial Legislative Council.

9. The principle upon which the proposed enlargement of the Legislative Councils is based marks a most gratifying step in constitutional progress. The proposed addition to existing members of the Council, representing various

important interests, will be of great public advantage. The Councillors, under the proposed system, will be able to adequately represent the thoughts, feelings and wants of different classes of the people, and bring to the knowledge of the Legislature the most pressing requirements of the country. Their views are sure to have considerable weight with Government. The details of the scheme, however, require careful consideration.

10. The pronouncement that "official majority" must be maintained will, the Committee regret to say, have the effect of considerably diminishing the value of the work done by the Council. The number of seats has been increased to 53, with the Viceroy to 54. Excluding the experts, there are to be 23 non-official members. The number seems to be large, but taken side by side with 29 official votes, its significance is not of great value. It is clear, therefore, that the proposal for enlargement of the Council would in no way alter its official chararter. The non-official members would, as regards effective voting power, be left exactly where they were. The proceedings will be lengthened by academic discussions without affording any appreciable public benefit. Then, again, the most valuable time of a large number of official members would be wasted to the detriment of public service. This is a consideration which, in the interest of good government, ought not to be overlooked.

11. The Committee fail to understand why a standard official majority in the Council should be insisted on. Any suspicion that the paramount power of the Government would ever be disputed is entirely baseless. A conflict of opinion between the official and non-official members, where public welfare is concerned, is a far-fetched contingency. Even if it should ever occur, the remedy is in the hands of the Viceroy. He has the casting vote and the power of *veto*, and on empergent occasions, for special purposes, for special legislation, in which exceptional Government interests are concerned, he is empowered to nominate members whose support could be most safely reckoned upon. In distributing seats in the Council, the good old English maxim that "confidence begets confidence" should never be forgotten. Equality of votes may, at first sight, seem to be too large a political concession. But, when carefully examined, it will be found to be a source of great political strength and not of weakness. It will be calculated to ensure the cordial co-operation of the people, and this by itself is an immense political gain.

12. The Committee are unable to realise the justice or expediency of granting four seats to Muhammadans as Muhammadans. They are opposed to creed-legislation. If one religious class be favoured, members of all the prevailing religious in India would clamour for special representation. Already they understand, more than one religious community have put in their claim. Ever since the establishment of British rule, class distinctions, in legislative matters, have not been observed. Neither the substantive nor the adjective law of the land has been found unsuitable to the requirements of any community. The Committee cannot conceive of any emergent occasion when special legislation for Muhammadans would be necessary. If such an occasion should ever occur, votes for special purposes, reserved in the hands of the Viceroy, would supply what might be needed. Competent Hindus, Muhammadans, Parsis and Christians have hitherto been admitted to the Council, not because they were members of different religions, but because they were distinguished members of the Indian community, and no objection has ever been raised to their admission. We have been told that special preference should be shown to Muhammadans on account of their numbers, and social, political and historical importance. The Committee do not see the value of the so-called "importance," and fail to find any reason why they should be singled out for special treatment, or why a separate Muhammadan electorate should be created. Exclusive electorates are mischievous and tend to break the growing solidarity of the various races in India. The Muhammadans, or rather more correctly speaking, those who profess the Muhammadan faith, constitute about 21 per cent. of the whole population of India, the bulk of whom belong to East Bengal, the Punjab and the Frontier Provinces. The Committee venture to invite Government to consider whether the above facts could justify the creation of a special constituency based on any special religion. They would suggest that the item D (*d*) in the scheme for the constitution of the Council be omitted to make room for the representatives of the several Universities of India.

13. Two alternative proposals are made for forming electorates of landholders—an independent electorate in each Province, or an electorate formed of landholders of Provincial Councils. The number of electors in the latter body would be necessarily very small; the Committee would, therefore, prefer an independent electorate. But they submit that the amount of land revenue *per se* will not in many cases give the correct financial position of a landholder. A net income of Rs. 12,000 from landed properties ascertained from the Road Cess returns or otherwise should be the minimum qualification.

14. The Committee regret that the claims of education to representation in the Imperial Council have been ignored. It cannot be too often repeated that men of property and of culture must be associated together, for political purposes, and they cannot be separated from each other without impairing the efficiency of both. The Committee, therefore, beg to recommend that a certain number of seats be reserved for the five great Universities of the country.

The Provincial Legislative Councils.

15. There is no dfinite scheme for the organization of Provincial Legislative Councils, and it is not possible to offer any opinion upon it till it is clearly formulated. The general principle which Provincial Governments are enjoined to follow in organizing these Councils is that "the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained." Stringent provisions are directed to be made regarding representation based on racial, religious and caste or class distinctions. Local Boards forming electorates are to be composed of voters recruited from most heterogeneous groups of men. As the constitutions of the Provincial Councils, it is said, must largely depend upon the Municipal and other Local Boards, the organization of the latter bodies must be so changed that landlords, traders, capitalists, professional men, cultivators, artisans and other occupational classes may be freely admitted into them. The effect of all these revolutionary changes would be that all respectable men, belonging to the higher classes of society, would keep themselves aloof from taking a share in public affairs. Landlords as a class would refuse to sit on the Board with men who are their own raiyats and who are *mudies*, *banias*, or people belonging to the lower strata of society. Good and respectable persons would not be induced, under such conditions, to offer themselves as candidates for election for the Council, or to take their seats as electors.

16. The defects of racial, religious, caste and class representation are manifold, and the Committee consider it inimical to popular advancement. It cannot but be viewed with great disapprobation. If such representation be adopted, social and political progress would be checked, and the country would be subjected to the most enervating influences.

17. The Government of India say that "for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf." This pronouncement is not compatible with the injunction that the widest representation should be granted to races, creeds, castes and "occupational groups"—who mainly compose the masses above referred to. The Committee find from the Census Reports that 78 to 80 per cent. of the people are agriculturists or cultivators, who, as a rule, are steeped in ignorance. They are acquainted with their crops and cattle, but are entirely ignorant of the mysteries of political representation. A time may come when their level of intelligence may be raised, but that time has not yet arrived. Cultivators and the ocupational groups must wait for a long time yet before they can aspire to an adequate recognition of their political rights.

18. The remarks made by the Government of India against Municipalities and District Boards regarding the men elected by them for the Provincial Councils are neither just nor merited. The gentlemen selected are invariably qualified to occupy the office of legislators. The remarks are based upon misapprehension of their social status, pecuniary means and political influence. In most cases, if not in all, they are landholders or propertied men, in addition to being cultured men or members of the so-called professional classes. If a

school-master, or a lawyer is sometimes selected, he is so chosen because he is a cultured man, in comfortable circumstances, who commands extensive social influence, and is well qualified to speak with authority on behalf of the people. These men are the ornaments of our society, and represent the intellectual forces of the nation.

19. The Committee beg to propose that the non-official portion of the Bengal Council may be constituted as follows:—

(*a*) Each Division should return a member through the District Boards and Municipalities alternately;

(*b*) The Chambers of Commerce—European and Indian,—the Trades Association, the Calcutta Corporation and the Calcutta University should each return a member;

(*c*) Large landed proprietors or territorial magnates should return two members from amongst them, the minimum qualification being a net income of Rs. 25,000 a year from landed properties;

(*d*) Smaller landed proprietors should return two members, the minimum qualification being a net income of Rs. 12,000 a year from landed properties;

(*e*) Two non-official members nominated by Government to represent minorities or special interests.

Budget Discussions.

20. The Committee have only one word to say with regard to the proposed Budget Discussions. The Government of India propose that the Budget may be discussed by "separate heads." The Committee generally approve of the proposal, but they are afraid that such discussion would not be productive of any practical benefit. Proceedings may be lengthened, and valuable time may be wasted, but the core of the evil would not be touched. The faltering and hesitating suggestion made, that the additional light thrown by the discussion may enable the authorities to alter the Budget under consideration, holds out but a very feeble hope of amendment. That in "subsequent years" the discussions may bear fruit is an equally vain expectation. Some other radical change is necessary, in which the representative leaders of the people may take a prominent part, to make the Budget Discussions productive of real benefit to the country. In dealing with questions of raising taxes and other sources of income, and in questions concerning national expenditure, the representatives of the people should have a powerful voice. Such a reform would meet national requirements, and satisfy national aspirations.

21. In conclusion, the Committee would recommend the holding of informal conferences before making definite financial arrangements for the year. The Bengal Government, the Committee understand, held such a meeting during the present year with profitable results.

No. 25—O., dated Calcutta, the 10th January 1908.

From—H. M. Haywood, Esq., Secretary, Indian Tea Association,
To—The Chief Secretary to the Government of Bengal.

I am directed by the Committee of the Indian Tea Association to address you with reference to the proposals recently made by the Government of India, in their letter No. 2310-17, dated 24th August 1907, to the Local Governments and administrations, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils. The Committee have had an opportunity of submitting their views on the proposals as a whole to the Government of Eastern Bengal and Assam, and all they desire here is to make certain suggestions in regard to the representation of the industry on the Advisory and Legislative Councils of Bengal.

2. The Committee think it well to preface their remarks with some statistics which will serve to indicate the importance of the industry. In the whole of India the quantity of land under actual tea cultivation was, in 1906, 531,808 acres, while the land occupied by planters, although not under tea, was 1,011,815 acres. The capital of the Joint Stock Tea Companies registered in India and in London amounts to nearly 22 crores of rupees, to which has to be added the large amount of private capital engaged in the industry; and all this capital is irrevocably sunk in the country. More than five-sixths of the area under tea is situated in the Provinces of Bengal and Eastern Bengal and Assam, and the whole of the tea industry of Northern India is very largely controlled from Calcutta. The Committee therefore think it reasonable to ask that this Association should be allowed a representative on each of the two Provincial Councils of Bengal. They are aware that, as the Bengal Legislative Council has been hitherto constituted, it has not been possible to make room for a representative of the tea industry, but they submit that in any scheme of enlargement it should be made possible to place at its disposal one seat. Although representation is already given to the general commercial interests of the Province, it is strongly felt that the importance of the interests represented by this Association amply warrant the Committee in making this request, and they trust that it will receive the sympathetic consideration of Government. In the absence of detailed information as to the functions of the proposed Advisory Council, the Committee are not easily able to determine to what extent the questions likely to come before it will be of interest to their own industry, but important questions affecting the latter can hardly be excluded from its deliberations, and they accordingly ask that a seat on this Council also should be allotted to a representative of tea interests.

No. 27—1908, dated Calcutta, the 11th January 1908.

From—H. M. Haywood, Esq., Secretary, Bengal Chamber of Commerce,
To—The Chief Secretary to the Government of Bengal.

I am directed to acknowledge the receipt of your letter No. 1982A.—D., dated 18th September 1907, in which you ask for the views of the Bengal Chamber of Commerce upon the proposals, which have been recently made by the Government of India, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

Letter No 2310-17, dated 21th August 1907, from the Government of India, Home Department, to the Local Governments and Administrations.

2. Before proceeding to consider these proposals in detail, the Committee of the Chamber wish to record their sense of satisfaction at the step which has thus been taken by the Government. For years past they have been impressed with the need which exists for bringing all classes of the people into closer relationship with Government and its officers, and any measures designed to achieve this end are bound to be supported by the commercial community. The legislation of 1892 undoubtedly marked a great advance. The free discussion of the annual financial proposals of the Government, which was then permitted for the first time, was in itself an innovation of no small consequence. And the enlargement of the Councils, the introduction of the elective principle, and the other changes which were also then made, have rendered possible the further scheme of reform which is now under discussion.

General.

3. But while the Committee thus welcome the measure, as evidencing the desire of the Government of India to move forward in the path of constitutional reform, they do not hesitate to criticise certain of its principal details. They offer their criticism the more freely, because they observe that the scheme is, in its main features, entirely provisional and suggestive. It is not their wish to enter into political questions, nor do they propose to offer any opinion as to what classes of the Indian population should be represented, or upon what principle the representatives should be elected or nominated. They are concerned more particularly with the position to be accorded to the commercial community in the Councils; and they say at once that they consider the proposals to be in this respect altogether inadequate. As the scheme stands at present, the commercial element is to be entirely excluded from the Imperial Advisory Council. With regard to the Provincial Advisory Councils, it is stated in the letter from the Government of India that "the association of non-official Europeans standing for these important interests (industry, commerce, capital, etc)., with the natural leaders of Indian society in common consultation on matters of public importance, would tend to promote a better understanding and to clear away on both sides injurious prejudices and misconceptions." This somewhat indefinite statement is the only reference to the point so far as these Councils are concerned, and it gives no idea of the extent to which the interests in question will be represented. Coming next to the Imperial Legislative Council, the Committee find that, of the fifty-four members, two only are presumably to be non-official Europeans, although it is possible that one more may be nominated by His Excellency the Viceroy. The representation of the community on the Provincial Legislative Councils is not defined, but in paragraph 11 of the letter it is mentioned.

Representation of Commerce.

4. The Committee of the Chamber are not unmindful of the fact that, in framing their proposals, the Government of India had, of course, to consider the country as a whole. But even so, they cannot help feeling that the interests for which the non-official Europeans stand have been, to a large extent, overlooked. The fact that these interests vary in size and importance in the different provinces no doubt contributes to the difficulty of providing for their adequate representation. For, while in some parts of the country they are of small extent, in others, and notably in North-East India, they are of great

Extent of Commercial interests.

magnitude. In Eastern Bengal and Assam they are concerned chiefly with planting; but in Bengal proper both manufacturing industries and mining enterprise have made remarkable progress under European direction. The value of the jute manufactured goods exported from Calcutta amounted to more than Rs. 15½ crores in 1906-07; while upwards of 8 million tons of coal were raised from the Bengal mines. The general commercial interests of the province are also of far greater consequence than those of any other province, and they are rapidly expanding. How rapid the expansion has been is shown by the fact that during the last fifteen years the shipping entered at the port of Calcutta has increased from rather more than 2½ million tons to close upon 6¼ million tons yearly. And at the present time Calcutta is responsible for about 42 per cent. of the total value of the import and export trade of India. For while the trade of the whole country (excluding treasure) aggregated Rs. 284 crores during the last official year, that of Calcutta amounted to Rs. 120 crores. It is an admitted fact that the bulk of this trade may be correctly termed European; and the figures lend much support to the claim that those who are so largely concerned with the commerce and industry of the province are entitled to adequate representation in both the Imperial and Provincial Advisory and Legislative Councils.

Imperial Advisory Councils.

5. The existence of the official majority makes the provision of an adequate representation of European interests on the Legislative Councils a matter of difficulty. But this difficulty will not be experienced in the case of the Advisory Councils; for as they are to be consultative bodies only, the question of an official majority will not arise. Upon the Advisory Councils, therefore, the European element may expect to be fully represented; and the Committee of the Chamber would venture respectfully to express a hope that the Government of India, in reconsidering their scheme, will be able to provide for this. The functions and duties of the Imperial Advisory Council are not defined in detail in the papers, but agricultural, commercial and industrial questions can hardly be excluded from its discussions. If this assumption be correct, it will not be unreasonable for the Committee to suggest that two seats on this Council should be allotted to Europeans. One of these might be given to a nominee of those of the community who are engaged in commerce and industry in the great towns; and the other to a nominee of the planting and zamindary interest in the mofussil.

Provincial Advisory Councils.

6. Coming next to the Provincial Advisory Councils, the Committee restrict their suggestions to the Council for Bengal, in which there should be, they consider, not fewer than seven European members. The general commercial, industrial and shipping interests of the province are, as has been already shown, of quite sufficient consequence to be given one seat; and the mining, tea and jute industries may justly claim to be entitled to separate representation. The European zemindary and planting interests of the province should also not be overlooked, and in that behalf, the Behar Planters' Association might be permitted to nominate one representative, while a second could be chosen from the lower parts of the province. The growing importance of the interests centred in the Calcutta Trades' Association should likewise be borne in mind; and the Committee suggest that that body should be permitted to nominate a member.

Imperial Legislative Council.

7. The Committee now turn to the other and, as they think, equally important branch of the present proposals, namely, the enlargement of the Imperial and Provincial Legislative Councils. Dealing first with the Imperial Council, they notice that the scheme outlined in paragraph 12 of the letter is tentative only. They are glad that this is so, because they do not hesitate to say that in their opinion mercantile interests would be most inadequately represented in a Council constituted on the lines suggested. They recognise and admit the limitations which are imposed upon the Government by their determination to maintain an official majority. But a full examination of the whole scheme raises the question whether this principle is not being carried somewhat beyond what is absolutely necessary. The Committee are inclined to think that it is, but they do not seek to emphasise this opinion on the present

occasion; for the object which they have in view can be attained without any real encroachment being made on the official majority.

8. The scheme defined in the Government letter provides for a Council of fifty-four members, including His Excellency the Viceroy. Excluding His Excellency, twenty-eight of these members are to be officials, and twenty-five are to be non-officials. Of the official members, eight will be the members of the Executive Council, and the remaining twenty are to be appointed for the purpose of maintaining the official majority. The proposal which the Committee of the Chamber venture to make is that, of the non-official members, the two experts who may be nominated when necessary by His Excellency for special purposes should either not be permitted to vote at all, or should vote only under such restrictions as may, in the opinion of Government, be advisable. If this were done, it would be possible to limit the number of additional officials to eighteen, and to increase the number of non-official Europeans by two. The Council would then consist of twenty-seven official members, including His Excellency, and the same number of non-official members. But as two of the latter would only be appointed for short periods in special circumstances, and would only vote, if they voted at all, under restrictions, there would still remain a permanent official majority of two members.

9. It may be urged that the Indian representation might be curtailed to such an extent as to permit of the appointment of two additional European non-officials. But the Committee of the Chamber do not support this view, firstly, because they recognise the importance of an adequate representation of Indian interest, and secondly, because, as they understand the matter, the Government do not suggest that so many additional official members are necessary, except for the purpose of maintaining the majority. If the majority can be maintained, as the Committee think it can, with fewer officials, there would appear to be no objection to the adoption of their proposal. Should the Government be inclined to consider it favourably, they would recommend that the two additional non-officials should represent respectively the planting and the manufacturing industries of Northern India. The nominee of the planting interest might be selected alternately by the Indian Tea Association and by the Behar Planters' Association. And as the principal manufactories under European management are situated in Bengal and the United Provinces, the Bengal Chamber of Commerce and the Upper India Chamber might be entrusted alternately with the selection of the representatives of this interest. In order that the European community of Southern India may be provided for, the Committee suggest that one of the four members, who are to be nominated by His Excellency in behalf of minorities, should always be a European non-official from the Madras Presidency.

10. The Provincial Legislative Councils still remain for consideration. The Committee are unacquainted with the views entertained by the Government of Bengal in regard to the composition of the Bengal Council. But they have observed that His Honour Sir John Hewett is of opinion that the Council for the United Provinces might consist of thirty-five or thirty-six members, of whom about seventeen would be non-officials. Assuming that the Bengal Council would not be of smaller dimensions, the Committee would recommend that there should be at least five non-official European members. Two of these might be appointed by the Chamber of Commerce, one on behalf of the general commercial interest, and the second as representative of the jute and other manufacturing industries, while the third could be nominated by the Indian Tea Association. The Calcutta Trades' Association would, of course, continue to appoint a member; and the fifth seat could be filled by a representative—to be nominated by His Honour the Lieutenant Governor—of the European zamindars and landholders of the province.

Provincial Legislative Councils.

11. Reference has been already made to the valuable change which was introduced fifteen years ago in regard to the Budget. The further advance which is now proposed will be no less highly appreciated by all concerned in commerce and finance; but the Committee of the Chamber venture to think that it does not go quite far enough. It is stated in the letter that although the remarks

The Budget.

offered in the course of the discussion may perhaps occasionally result in the alteration of the Budget under review, they will usually be borne in mind by the Government of India or the Local Governments, when making financial arrangements in subsequent years. But this is surely the principal defect of the existing system, and so long as it is maintained, the Committee question if the debate will be divested of the unreality which is admitted to be one of its characteristics at present. They hold the view that the Budget should be submitted to the Council in the form of financial proposals, in regard to which the Government would be prepared to consider any criticism which might be offered. If this were done, and if the Government accepted and acted upon such of the suggestions as might meet with their approval, the debate would almost certainly become less discursive, and much more real and practical than it is now. For the speakers would be in much closer relation with the policy and aims of Government than they can possibly be under a system whereby their ideas and proposals cannot ordinarily be considered until the financial arrangements for subsequent years are being formulated.

B. S. Press—22-7-1908—2273C—1,200—C. W.

Enclosure No. XIX.

No. 447 of 1908.

From

The Hon'ble Mr. J. M. HOLMS, C.S.I.,

Chief Secretary to Government,

United Provinces,

To

The SECRETARY to the GOVERNMENT of INDIA,

Home department.

Dated Allahabad, the 16th March 1908.

Sir,

General Administration Dept.

I am directed to reply to your letter no. 2310—2317, dated the 24th August 1907, dealing with the creation of Advisory Councils and the enlargement of the Legislative Councils and other connected matters, in which you request this Government to submit its matured conclusions on each branch of the subject, together with a detailed statement of the alterations in the Council regulations necessary to carry its proposals into effect. His Highness the Maharaja of Benares, the British Indian Association of Oudh, the Landholders' Association for the province of Agra, tne University of Allahabad, the Upper India Chamber of Commerce, and the Trustees of the Muhammadan Anglo-Oriental College at Aligarh have been consulted, as well as all members of the Provincial Legislative Council, official and non-official, and all Commissioners, and in addition the Lieutenant Governor has had the advantage of perusing a considerable number of opinions either furnished to Government by gentlemen interested in the question or published in the press. The copies of opinion which accompany this letter embrace those of all the public bodies consulted, those of all the members or former members of the Imperial or Provincial Legislative Councils which have been furnished to Government, and the opinions of the officers consulted which are of most value. I am to express regret that it was not found possible to despatch this letter so as to reach the Government of India by the desired date, the 1st of March.

2. The proposals put forward by the Government of India, as well as the subsidiary proposals placed by the Local Government before those consulted as a basis for discussion, have been subjected to considerable criticism. In some quarters they have been attacked as wholly inadequate : in others the criticism has been limited to the details of the proposals. The Lieutenant Governor does not think it necessary to examine the objections taken to the principle of the proposals, nor to discuss every detailed suggestion which has been made for their amendment, but will confine the expression of his opinion to those which seem to call for notice.

3. In paragraph 2 of your letter the Government of India refer to the increase that has taken place in the past twenty years in the number of scholars studying English from 298,000 to 505,000, in the number

passing the annual matriculation examination of the Indian Universities from 4,286 to 8,211 and in the number annually proceeding to the degree of Bachelor of Arts from 708 to 1,570. The United Provinces have not moved in the matter of education as rapidly as some others parts of India. Twenty years ago the number studying English was 30,972 (including 10,100 in the lower primary stage, in which English is no longer taught); the University of Allahabad had only just been established; the students who passed the matriculation examination numbered 477, and 66 proceeded to the Bachelor of Arts degree. In 1907 there were 37,804 students studying English, 772 students who passed the matriculation examination, and 245 who proceeded to the degree of Bachelor of Arts. Out of the total population of India, inclusive of Europeans and Eurasians, 75 per ten thousand were recorded at the last census as knowing English; the corresponding figure in the United Provinces was only 40. English is disseminated in these provinces to a very much smaller extent than in the other large provinces, and they are, it is to be regretted, very backward in education in the vernacular languages also. The number returned as literate at the last census over the whole of India was 105 per thousand; in Madras it was 128, in Bombay 125, and in Bengal 109, in the United Provinces it was 59. In the cities the figures were for the whole of India 308, for Madras 420, for Bengal 339, for Bombay 324, and for the United Provinces 196.

A Legislative Council in these provinces was established by the proclamation issued by Her late Majesty on the 9th of November 1886, many years after the establishment of Legislative Councils in the presidencies of Fort St. George and Bombay and the Lieutenant Governorship of Bengal. In considering the proposals made by the Government of India it is, in the Lieutenant Governor's opinion, desirable that due regard should be paid to the backwardness in education of these provinces. It would be unwise to treat every part of India alike in the matter of the number of members of which its Legislative Council should be composed and the manner in which it should be constituted. If, then, some of the proposals which will be made in this letter fall short of what will be attempted in other provinces, the reason is to be found in the fact which will, the Lieutenant Governor feels assured, be admitted by all those who are well acquainted with them that these provinces are not so ripe as some other parts of the country for measures of reform directed to giving the people wider opportunities of expressing their views on administrative matters.

4. The first proposal put forward in your letter is that for the creation of Advisory Councils, Imperial and Provincial. These Councils are designed to ensure a more free and a more intimate consultation with those who are in a position to offer counsel of value than is afforded by the present Legislative Councils. The Lieutenant Governor was, when he began to study this proposal of the Government of India, apprehensive that it might not be possible to give to these Councils sufficient occupation after they had been called into being, and that they might perish of inanition. But he no longer thinks that apprehension to be justifiable. There are many directions in which the Government could look

to them for advice and aid. It is not, His Honour thinks, necessary or desirable to attempt an enumeration of the matters that might be referred to them for advice, but among questions that have recently had to be considered in these provinces, and in regard to which the opinion of such a body would have been of value, are measures against the plague, the extension of primary education, the administration of secondary education in its higher grades, developments in technical and industrial education, the working of co-operative credit societies, municipal taxation, the housing of the poor in congested areas and connected sanitary questions, and the organization of charitable famine relief. In the view, then, that there will be occupation for such Councils the Lieutenant Governor welcomes the proposal to create them.

5. Before proceeding to refer to the proposals for the constitution of these Councils it seems desirable to notice a difference which the Government of India appear to make between the Imperial Advisory Council and the Provincial Advisory Council. In the last sentence of paragraph 4 of your letter it is stated that the Imperial Advisory Council will be consulted by the Governor General either individually or collectively, or by means of committees appointed from among their number, on questions of sufficient moment to call for their advice; they are to be used not only to draw out opinion on measures in contemplation, but also to diffuse correct information regarding the acts, intentions, and objects of the Government. As regards the Provincial Advisory Councils, it is said in paragraph 6 of the letter that each Local Government should be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question. In the former case they would be consulted by letter and would submit their views in writing: in the latter case they would be specially called together by the Head of the province and would tender a collective opinion. There thus appears to be a difference in treatment between the two Councils in that the Government of India contemplate that opinions should be called for from committees of the Imperial Advisory Council, but not from committees of the Provincial Advisory Council. The Lieutenant Governor feels unable to support the proposal that Government should formally consult a portion only of an Advisory Council.

6. The Lieutenant Governor cordially agrees with the idea of associating the ruling chiefs in the general conduct of the affairs of British India, believing them to be likely to be shrewd and comptent advisers on matters connected with our administration. The opinion of those consulted by this Government is practically unanimous that the forty members whom the Government of India propose to associate with twenty ruling chiefs in constituting the Imperial Advisory Council should not be confined to the class of territorial magnates, and with this view the Lieutenant Governor entirely concurs. He considers that, in the constitution of the Imperial Advisory Council, provision should be made for eminent retired Indians of either the judicial or executive service or other services of Government and for gentlemen who have been distinguished in the professions or public

Imperial
sory Counc

services or who have been selected by Government for titles and honours. I am therefore to suggest that the constitution of the Council should be modified so that it may contain twenty ruling chiefs, twenty-five territorial magnates, and fifteen persons to be selected on account of their public services, their character, or their pre-eminence in other directions.

The attitude that the ruling chiefs are likely to take up as regards their position in the Council raises an important question. Sir John Hewett has reason to believe, from conversations that he has had with some of them, that they do not altogether appreciate their being grouped together with the territorial magnates of British India, as they have been in paragraph 4 of the Government of India's letter. They are there spoken of, along with the territorial magnates of British India, as the hereditary leaders of the people both in British India and the native states. It has been represented to His Honour that they would like to see some distinction drawn between them and the other members of the Council, and in His Honour's opinion this wish is a very reasonable one. It might be acceded to by declaring that the ruling chiefs, when appointed to the Imperial Advisory Council, should be appointed for life, the other members being appointed for five years. The tenure of office of either a ruling chief or any other member of the Council would be determinable also on his committing any act showing him to be unworthy to remain in it.

7. Various suggestions have been made to this Government that a portion of the Advisory Councils should be elected, but this idea appears to the Lieutenant Governor to be inconsistent with the whole scheme of the functions of the Councils being advisory. Nor is the idea of an Advisory Council that of a Council to be established by legislative authority, and His Honour is unable to support the suggestions which have been made for the legislative recognition of the Advisory Councils, and the creation of a constitution for them by legislation.

8. The functions which the Government of India propose to assign to the Imperial Advisory Council are stated in paragraph 5 (6) and (7) of your letter. It is proposed that these should be purely advisory, and that the Council should deal only with such matters as may be specifically referred to it from time to time ; that the proceedings of the Council when called together for collective consultation should, as a rule, be private, informal, and confidential, and that they should not be published, although Government should be at liberty to make any use of them that it might think proper. It has been very strongly represented that the Imperial Council, as well as the Provincial Advisory Councils, should be empowered to bring matters of their own motion to the notice of Government, and that much of the advantage that would ensue from the establishment of the Councils would be lost if their functions were restricted in the manner proposed. It is also suggested that they should be empowered to request Government to give information on any particular subject. The Lieutenant Governor supports both these suggestions. The Government could always refuse to give information upon any particular subject, but, inasmuch as one of the chief functions

of the Councils will be to diffuse correct information regarding its acts, intentions and objects, it seems most desirable that they should be in a position to ascertain what these acts, intentions and objects are. The Lieutenant Governor is not in accord with the proposal that the proceedings of the Imperial Advisory Council when called together for collective consultation should, as a rule, be private, informal and confidential. The Government would naturally retain the power of declaring that any individual matter must be treated as confidential, and it might often happen that the Council itself would prefer that its deliberations upon a particular question should be so treated. The rule in His Honour's opinion, should be that no proceedings, except in regard to matters specifically declared by the Government of India to be confidential, need be confidential unless the Council so determine.

9. Another suggestion that has been made is that it is desirable that the Imperial Advisory Council as well as the Provincial Advisory Council should be called together at stated intervals. If they are to be of value, it appears certainly desirable that they should be necessarily called together at least once a year. The further question arises whether the members of the Council should be able to take action so that they may be specially called together on other occasions, and I am to suggest that a rule might be made that the Council should be called together on the request of not less than one-third of the members.

It is urged by some that the Government should defer to the views of the majority of the Council and that, supposing such numbers as two-thirds three-fourths of the Council are opposed to a propcsal, the Government should not proceed with it. The Government would naturally pay deference to so strong an opinion, but the proposal that it should be compelled to act upon the advice seems to be inconsistent with the position of these Councils as advisory.

Provincial Advisory Councils.

10. The scheme outlined for the Provincial Advisory Council is that it should consist of "a select body of advisers chosen upon a wider basis whom it should be understood that Provincial Governments would consult upon all measures of importance affecting the populations committed to their charge." The nucleus of the Provincial Advisory Council would be the provincial members of the Imperial Council. The Provincial Councils are to be smaller in size than the Imperial Council, but it is intended "that their membership shall be large enough to embrace all interests of sufficient importance to claim representation on such a body." The great landowners would be represented by the Imperial councillors, and arrangements have to be made to include representatives of the smaller landholders, industry, commerce, capital, and the professional classes, while non-official Europeans are to be associated with the leaders of Indian society. The Local Government is to be at liberty to consult its Advisory Council, either individually, or collectively, in regard to any provincial question; in the former case the consultations are to be by letter, and in the latter in an assembly where it would give a collective opinion. A provision, not made in regard to the Imperial Council, is that when the Provincial Advisory Council is specially called together to give a collective opinion the

Head of the Government himself, or some high official deputed by him for the purpose, should preside over their deliberations, and that the conclusions arrived at should be recorded by one of the Secretaries to Government. Exception is taken, and in the Lieutenant-Governor's opinion very rightly, to this proposal. He holds that the Council should be free to choose its own president and secretary and conduct its deliberations in the absence of any Government official.

11. In the proposals which this Government circulated for criticism the number suggested for the Provincial Advisory Council was twenty-five. A good many of those consulted hold that this number is not sufficiently large, and the Lieutenant-Governor, on reconsideration, thinks that the number might be fixed at thirty-five.

The constitution of the Council need not be strictly defined. The Lieutenant-Governor should be at liberty to nominate the members after due consideration, not only of the interests to be represented, but—what is at least of equal importance—of the best men who are available. The nucleus of the Council would consist of the representatives of the provinces on the Imperial Advisory Council, while the Lieutenant Governor will arrange to nominate four out of the elected members of the Legislative Council. The balance will be available to represent the landholders, small and great, if the latter are insufficiently represented by the members of the Imperial Council, industry, commerce, the planting community, the professional classes, and educational and religious interests. It is not proposed to specify the proportion of the different classes, e. g. Muhammadans and Europeans, to be represented or to enumerate too closely those entitled to be represented or to assign specified numbers of seats to different parts of the provinces.

A proposal is made that when the Lieutenant-Governor visits a division he might call together the members of the Advisory Council belonging to that division. Any formal calling together of the Council except as a whole appears undesirable, but the Lieutenant Governor would naturally take advantage of his presence among representatives of the Council to discuss matters with them in which they were interested.

nlargement of Legislative ıncils.

12. It is remarked in paragraph 9 of your letter that the expectation that the electorates constituted on the enlargement of the Councils would ensure the representation as far as possible of all the more important classes and interests, has not been realized. The figures given in your letter seem to give general support to this conclusion, but the remark which follows that the district boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interests is not supported by experience in these provinces. An element of error may have been imported into the figures quoted in support of this conclusion owing to each individual member, even though he may have been re-elected several times having been counted once only. The facts as they relate to these provinces lead to a conclusion different from that arrived at by the Government of India. Since 1893, when the system of election was first introduced in the United Provinces, there have been seven general elections to the seats thrown open, namely one each for two groups

of district boards and one each for two groups of municipalities. The representatives of the district boards who have been elected in the course of the last fourteen years have invariably been landholders, though one of them was a banker as well, and another, who was twice re-elected, was also a retired judicial officer. On three occasions landholders were nominated by Government to represent one of the groups of district boards owing to no one having obtained the requisite majority of votes. All the gentlemen who have represented district boards in the past fourteen years have been talukdars of Oudh or large landholders of Agra. The representatives appointed to the seats thrown open to election by municipalities during the same period have been only four in number; one of these, a taluqdar of Oudh as well as a lawyer, has been elected at each of the seven elections, while two lawyers were each elected three times respectively, and the fourth, a landholder, once. Thus half of the representatives of municipalities have been gentlemen with a substantial stake in the land, and out of twenty-eight representatives of district boards and municipalities in the past fourteen years twenty-two have been landholders. The only other elective bodies at present, besides the district boards and municipalities, are the Senate of the University of Allahabad and the Upper India Chamber of Commerce. The former, as is only to be expected, has always recommended lawyers, and the latter representatives of commerce. In the past fourteen years of the two members nominated by the Lieutenant-Governor at his own discretion he has on thirteen occasions nominated landholders and on one occasion a retired judicial officer of eminence. If, then, representatives of two interests are shown as shared equally between these interests, out of the fifty-six appointments of non-officials made either after election or otherwise, 29½ or 53 per cent. have represented the land, 19 or 34 per cent. the law, and 7½ or 13 per cent. commerce and banking. These figures show that it is not the case in the United Provinces that the professional classes, as represented by the Bar, have been given a virtual monopoly of representation. Two features, however, stand out—the fact that no Muhammadan has ever been elected to the Council, and the fact that the representation of commercial interests other than those of the Upper India Chamber of Commerce has been inadequate.

The Imperial Legislative Council.

13. The provisional proposals for the constitution of this Council are stated in paragraph 12 of the Government of India's letter. The Lieutenant-Governor does not deem it necessary to express any opinion regarding the details of these proposals except in so far as they concern the members to be elected by the Chambers of Commerce, by the nobles and great landholders of the United Provinces, and by the Muhammadans of the United Provinces respectively, and except on the question of whether any classes not specially provided for ought to be included.

14. In the first place, His Honour desires to support the suggestion which has been made by the Upper India Chamber of Commerce that it and the Punjab Chamber should have the right of electing a representative either alternately or jointly. He is aware from his personal experience that the Chambers of Commerce on the seaboard do not always understand and appreciate the needs of commerce in the

interior of the country, and that the interests of the seaboard Chambers may clash at times with those of inland ones.

15. In the matter of election of members by the great landholders of the United Provinces His Honour is unable to approve of either of the alternatives to election by the landholding class that are mentioned in paragraph 15 of the Government of India's letter. The first is that a representative of the landholders should be elected to the Imperial Council by the landholding members of the Provincial Council either from among their own number or from among landholders paying the amount of land revenue that may be fixed as giving the right to vote for, or to be a member of, the Provincial Council. Election in this manner would not satisfy the landholding classes. The second suggestion is that in some provinces representatives of the landholding classes might be better obtained by a system of nomination. In the United Provinces this would not be the case. The Lieutenant Governor considers that in present circumstances the representatives of the landholders in these provinces on the Imperial Legislative Council might be taken alternately from Agra and Oudh, and with this view most of those consulted agree. The British Indian Association of Oudh is a body which can certainly claim to elect its own representative. There is no association of equal position in Agra, for the Landholders' Association for the Province of Agra is not fully representative of the landholders of that province, while it admits persons who, being landholders themselves, are interested in the welfare of landholders and tenants. The Lieutenant Governor, however, apprehends no difficulty in arranging for a suitable electorate for select representatives of the landholders in Agra. A suggestion has been made that this electorate should be nominated by Government, but it does not commend itself to the Lieutenant-Governor.

The amount of land revenue which will give a right to vote in Agra might suitably be fixed at Rs. 10,000 a year. Such a franchise will give an electorate of 284 persons, which, though higher than the figure of from 100 to 150 suggested by the Government of India, is, in His Honour's opinion, not inconveniently high. And the Lieutenant Governor thinks that it ought also to include all title holders who hold the title of Raja or Nawab, or the hereditary titles of Mirza Bahadur, Mirza, Rajwar, Rai, Rao Bahadur, Rao, Diwan, or Chaudhri which have been officially recognized by the Government. This suggestion will not involve a large addition to the electorate, while it will have the effect of including in it some gentlemen, such as the Rajas of Rampura and Jagamanpur and the Rao of Gopalpara in the Jalaun district, who have great influence in the country-side, but do not now possess landed property paying Rs. 10,000 of revenue a year. The Lieutenant Governor supports the proposal of the Maharaja of Benares that a landholder, in order to qualify for election as a representative, should reside on his estate at least six months in the year, and he should also be qualified as an elector.

The method of recording the votes of this electorate presents some difficulties. It is out of the question to arrange for the meeting in one place of so large an electorate resident over so wide an area, and the

Maharaja of Benares has suggested that the electors for each district should elect a representative and that the body of representatives should attend at Allahabad and vote there. In order to carry out this proposal the number of representatives for each district would have to be allotted according to the voting power of the district. But this voting power varies so much (some districts have no landholders paying Rs. 10,000 or over as land revenue, while others have over twenty) that the suggestion could not be given effect to. Again, it has been suggested that the electors resident in a particular division might elect one or more representatives for the division according to their voting power, and that the divisional representatives might meet for the election at Allahabad, the candidate securing the largest number of votes being elected to avoid the difficulties which occur under the present rules in elections by representatives of district and municipal boards, which require that a candidate to be elected must obtain the support of the majority of the representatives. Under this scheme the number to meet and vote at Allahabad would be about 30. Past experience, however, shows the great difficulty of collecting voters in electorates distributed over smaller areas than the province of Agra, and the Lieutenant-Governor despairs of being able to make suitable arrangements for the collection of voters from every part of it in one place. He is unable to suggest any better arrangement for recording the votes than that voters should be allowed to send them by registered post, the letter after having been closed being attested by the seal of the office of the District Magistrate so as to prevent false votes from being sent.

16. As regards the election of a member of the Imperial Legislative Council by the Muhammadan community it is generally agreed that in the United Provinces a limit of Rs. 25,000 per annum for the minimum amount of land revenue or the income on which income tax is paid is too high for the Muhammadan electorate; and this is borne out by the figures, which show an electorate on this basis as one of thirty-four persons only. A more suitable electorate would be one formed on the basis of a similar limit of Rs. 10,000 per annum, which would give 160 persons. To these should be added the Muhammadan members of the Provincial Legislative Council, the Muhammadan Fellows of the Allahabad University (some 20 in number), and such of the Trustees of the Muhammadan Anglo-Oriental College at Aligarh as are resident in these provinces and are not otherwise qualified. The Lieutenant-Governor is unable to support the proposal of the Raja of Mahmudabad to give votes to Muhammadan graduates of over six years' standing. As regards the method of voting, the Raja has suggested that the electors of this class and those of the classes of large landholders and income tax payers in each division should each elect a representative, and that these representatives (three for each division) along with the other electors should meet at Allahabad and elect a provincial representative. An analysis of the voting power of each division shows that it varies so much that such a scheme would be impracticable. I am to suggest that, as in the case of the representative of the large landholders of Agra, voting for the Muhammadan representative should be by registered post after the cover of the letter has been stamped with the Magistrate's seal.

I am to say that it appears to be desirable that, when Muhammadan representatives are elected from two of the six provinces named, the Muhammadan seats to be filled by nomination should be distributed over the unrepresented provinces. It is of course out of the question that the special representation of the Muhammadan community can be carried to the extent that the Trustees of the Muhammadan Anglo-Oriental College and their President desire, namely, that each of the eight larger provinces should always have an elected Muhammadan representative. The Lieutenant-Governor is unable to support a further recommendation made by the Trustees that they should also have the power to elect a representative of their body on the Imperial Council. On the other hand, he does not agree with the arguments against the reservation of seats for Muhammadans on which the Hon'ble Rai Nihal Chand Bahadur and the Hon'ble Munshi Madho Lal lay stress in their opinions, nor with the recommendation of the Hon'ble Rai Sunder Lal Bahadur that if seats are reserved for Muhammadans they should be reserved for other communities also. In the United Provinces out of a population of 47½ millions, 40½ millions are Hindus and 6¾ millions Muhammadans; the Jains number 84,400, the Sikhs 15,300, Christians of different races 102,000, and Aryas 65,000. These figures disclose no need for any further special representation for these provinces.

17. In this connection I am to refer to Mr. Fell's letter no. 213, dated the 21st January 1908, asking that the question of the claims of the Eurasian community to representation on the Councils in India should be given special consideration. According to the last census there are in these provinces 5,218 Eurasians, but it is likely that the number is understated on account of the reluctance of Eurasians to record themselves separately from Europeans. Out of the Eurasians recorded as such in the United Provinces, 3,456 only are estimated to be educated, and the number of males among the total number was 1,839. It is therefore quite clear that no separate representation of this community is required in these provinces. It ought to be possible to select a representative of the Eurasian community to sit on the Provincial Advisory Council, but no special right need be given to this body to elect a member on either the Imperial or the Local Legislative Council.

18. The Maharaja of Benares has put forward a scheme which is ingenious, but does not appear to be feasible, under which the number of official members on the Imperial Legislative Council should be reduced, and the position of the Government secured by giving them a double vote on certain scheduled matters and reserving to the Viceroy the right of veto in other cases. Another suggestion affecting the constitution of the Council which has been made is that special provision should be made for an elected representative of Indian commerce as distinguished from a European one. His Honour thinks very strongly that there should be a representative of Indian commerce on the Imperial Council, but he is unable to suggest a method by which he could be chosen by election. He is therefore in favour of a representative of Indian commerce being nominated to the Council. He is opposed to another proposal that has been put forward that the Indian Universities

should be allowed in rotation to nominate a member to the Council. Each University will be empowered to elect a member of the Provincial Legislative Council, and it will through its representative have an effective voice in the selection of an elected member from its province on the Imperial Council.

Provincial Legislative Council.

19. The United Provinces Legislative Council is at present composed of the Lieutenant-Governor and seven other officials and eight non-officials ; the non-officials are five Hindus, two Muhammadans, and one European, and of these all the Hindus and the European are elected, while the two Muhammadans are nominated ; both the Muhammadans and three out of the five Hindus are landholders. No representative of Indian commerce is on the Council, nor any representative of the agricultural classes other than the landholders. The Lieutenant-Governor does not consider that it is possible to arrange effectually at present for representation by election of Indian commerce. As Sir James LaTouche pointed out, no Chamber of Commerce to represent the interests of Indians only exists, and there is no prominent leading industry in the provinces which demands representation. The agricultural classes, apart from the landholders, are, speaking generally, poorly educated and cannot, for some time at all events, be directly represented.

The intention of the Government of India is that the Provincial Council should be enlarged to the fullest extent compatible with the necessary authority of Government, it being constituted in respect of the non-official members so as to give due and ample representation to the different classes and interests of the community. In paragraph 3 of this letter the reasons for not treating these provinces in the same way as other more advanced provinces have been set forth, and it was for these reasons that when opinions on the constitution of the Council were asked for the Lieutenant-Governor suggested that a Council of thirty-five or thirty-six members might be suitable. Some of those who have given their opinions would have a Provincial Legislative Council as large as the reconstituted Imperial Council. The Lieutenant Governor does not think this is necessary, but on a reconsideration of the matter, he is prepared to advocate the increase of the number of the Provincial Council to 45. Should these provinces in the future approximate more nearly to the large provinces on the seaboard in material wealth, industrial prosperity, and the general spread of education, it may become possible to raise the number to that which may be fixed for Madras, Bombay, and Bengal. From this point of view the scheme of election and representation which is now put forward should be regarded as tentative only, and liable to revision in the light of further experience both in respect of increase in the numbers and alteration of the methods of election.

20. In paragraph 10 of your letter under reply the Government of India lay it down as essential that the Government should always be able to reckon on a numerical majority, and that the majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. In the suggestions

put forward for the constitution of the Imperial Legislative Council it is proposed that it should be composed of 28 officials, including His Excellency the Viceroy and Governor General, and a maximum of 26 non-officials. The present constitution of the Provincial Council in the United Provinces is, as stated in paragraph 19 of this letter, 8 officials (including the Lieutenant Governor) and 8 non-officials. Sir John Hewett thinks that the Government majority in the Provincial Council of 45 members will be effectively provided for by constituting it so as to consist of 23 officials (including the Lieutenant Governor) and 22 non-officials. The following is the list of officials who, on his opinion, might be ordinarily appointed to the Council without any serious hindrance to the performance of their ordinary duties being involved in their attendance at its meetings :—

the Lieutenant Governor,
the two Members of the Board of Revenue,
the General Officer Commanding the Lucknow division,
the five Secretaries to Government,
the Inspectors General of Police, Civil Hospitals, and Prisons,
the Directors of Public Instruction and of Land Records and Agriculture,
the Sanitary Commissioner,
the Legal Remembrancer,
the Government Advocate,
four Commissioners,
a district officer, and
the Superintending Engineer of the Lucknow circle.

The proposal to appoint to the Council the General Officer Commanding the Lucknow division, if the Government of India in the Army department see no objection, is a novel one, but, in the judgment of the Lieutenant Governor, one that can readily be justified by the fact that, in a province that contains 21 cantonments with a population of 187,505, matters connected with cantonments from time to time come under the purview of the Council. As the budget will in future be discussed in parts, it will be of great advantage that the head of the department whose business is under consideration should be present to assist in the debate as well as the Secretary to Government charged with the supervision of that particular department. The attendance of four Commissioners can, when necessary, be secured without any inconvenience. The Commissioners of Allahabad and Lucknow could usually be appointed members of the Council, and Benares and Fyzabad are a very short distance from either Allahabad or Lucknow.

21. The proposals that the Lieutenant Governor desires to make regarding the selection of the 22 non-official members of the Council are the following :—

A.—That sixteen members should be elected by the following electorates :—

(1) 1 by the Upper India Chamber of Commerce, as at present;

(2) 1 by the Senate of the University of Allahabad, as at present ;

(3) 8 by the district boards and certain municipal boards of each division, except Kumaun, one for each division ;

(4) 2 by the municipal boards of the following six cities : Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly, in rotation, two of these cities each having a representative for a term of two years ;

(5) 1 by the British Indian Association of Oudh, to represent the landholders of Oudh ;

(6) 1 by the landholders of Agra ;

(7) 2 by the Muhammadan community ;

B.—That six members should be nominated by the Government,—

(1) 1 as representative of Kumaun when a suitable representative is available ;

(2) 2 Muhammadans, one of whom would be a trustee of the Muhammadan Anglo-Oriental College resident in the United Provinces ;

(3) 3 as representatives of special classes who cannot be represented by election, as, for example, the Indian commercial classes and the planting community.

22. The suggestions for the representation of the general community which were placed as a basis for discussion before those consulted were that two out of the six largest municipalities should each in rotation elect a member, and that the small municipalities should be grouped so as to elect two representatives, while the district boards should elect three representatives—two from Agra and one from Oudh. The Lieutenant-Governor from the first, however, recognized that this scheme might be deemed to be defective in that it did not provide as much as is desirable for the representation of local interests. The six large municipalities have, indeed, in many respects identity of interests. But the system at present in force of grouping together municipal boards which have little in common (involving as it does the inclusion in one electorate of municipalities as far apart as Dehra Dun and Gorakhpur in the first group and Muttra and Ballia in the second) does not give much opportunity for election to members living at a distance from the head quarters of the provinces, for, so long as the electors are divided into groups and asked to travel long distances from the sphere of their own influence, the candidates at head quarters must, as has been observed in certain comments made in the public press, have a better chance of success. To the present grouping of district boards which includes tracts so dissimilar as the Meerut, Agra, Rohilkhand and Lucknow divisions in the first group and as the Allahabad, Gorakhpur, Benares and Fyzabad divisions in the second, these remarks have equal application. A proposal has been made to group the municipalities into four groups according to divisions for the purpose of forming an electorate, but this scheme, though reasonable in some ways, is defective in that it would

give a disproportionate sahre of representation to the two groups consisting of the Benares and Gorakhpur divisions, and of the Lucknow and Fyzabad divisions respectively. The view that representation of the general population by divisions would be the best means to ensure that different interests should be safeguarded is held by many. There are indeed, not a few points of difference between the western and the eastern tracts, and, after a careful consideration of the question, the Lieutenant-Governor has come to the conclusion that more real representation would be secured if a representative came from each division. In Kumaun, owing to the backward character of the country, all the members of the three district boards are appointed and not elected, while there are only three municipalities in the division, none of which has a population of over 20,000. Nor are there many leading men in the division. For these reasons the Lieutenant-Governor thinks it advisable to exclude it from the scheme of election. Its representation can be best secured by nominating a representative of it when a suitable man is available. For the election of representatives in the other eight divisions of the provinces the Lieutenant-Governor would propose to group the municipalities and district boards of the other divisions together, giving to each district board two votes and to each municipality voting power on the following scale :—

4 representatives in towns of over 100,000,
3 „ „ between 100,000 and 50,000,
2 „ „ „ 50,000 and 20,000, and
1 representative „ of 20,000 and less,

the power of appointing representatives being limited to those municipalities that contain a population of 20,000 or more, or with a less population are situated at the head quarters of districts, or are already included in the electorate mentioned in this Government's notification no. 44C./III—807A., dated the 19th July 1899, printed at page 34 of the Laws and Rules of the Legislative Council of the United Provinces. The effect of this arrangement would be to give the following voters in the different divisions :—

	Municipalities.	*District boards.*	*Total.*
Meerut	20	12	32
Agra	15	12	27
Rohilkhand... ...	24	12	36
Lucknow	10	12	22
Fyzabad	7	12	19
Allahabad	13	14	27
Benares	12	10	22
Gorakhpur	4	6	10

The small number of electors in the Gorakhpur division is at first sight a defect of this scheme, but it is not many years since the Gorakhpur division was separated from the Benares division, with which it has many affinities, and the Lieutenant-Governor thinks that the two divisions may be amalgamated for purposes of electing two members to the Provincial Legislative Council on the condition that electors of both divisions assembled together should elect one representative of the Benares division and one representative of the Gorakhpur division. In

the years in which any of the six large municipalities which are to be given special representation have representatives in the Council they would not be allowed to vote for divisional representatives.

The qualifications for the representatives both of the large municipalities and of the divisions which the Lieutenant-Governor would propose are that they should be ordinarily resident within the area which they represent, and that they pay either land revenue of not less than Rs. 3,000 per annum or income-tax on income of not less than that amount. Election by the municipal boards of the large municipalities in turn would present no difficulties, while the representatives of the district boards and selected municipal boards of a division would assemble at the divisional head quarters and elect the divisional representative on the Provincial Council.

23. The election of the two representatives of the landholders does not present any great difficulty. A representative of Oudh might be elected by the British Indian Association and of Agra by an electorate consisting of landholders who pay at least Rs. 5,000 land revenue a year. Such an electorate would consist of 672 persons. As has already been pointed out, the Landholders' Association of Agra has no title to represent the whole of the landlords in that province. The British Indian Association would be free to nominate any one of its members, while in the case of Agra a candidate for election should be qualified to vote. No feasible way of voting in Agra suggests itself except that the votes should be sent by registered post, after the cover had been sealed by the District Magistrate in the way already suggested. The election of the representative of the British Indian Association would be made at a special meeting called for the purpose.

24. The Government of India suggest that the Muhammadan electorate for the purpose of filling the two seats on the Provincial Council should include all payers of incometax and all payers of a fixed amount of land revenue sufficiently low to embrace the great body of substantial landholders. A limit of Rs. 5,000 both in the case of land revenue and of the income on which income-tax is paid would give on electorate of 408 persons. This limit seems to the Lieutenant-Governor to be sufficiently low, and with the addition of Muhammadan Fellows of the Allahabad University (20 in number) and registered Muhammadan graduates of an Indian University of over five years' standing the total electorate would probably exceed 700 persons. There is no registration of the graduates of the Allahabad University, but from the time degrees began to be given in 1889 up to five years ago 459 Muhammadans obtained degrees, though there are no means of ascertaining how many of these have died or left the provinces. A system of registration of names and addresses would have to be introduced, and only those resident in the provinces should be allowed to vote. The Muhammadan electorate might conveniently be divided into two groups, each of which would elect a member—(1) the four northern and north-western divisions, which have a Muhammadan population of 3,273,000, and (2) the two Oudh divisions and the three eastern divisions, which have a Muhammadan population of 3,458,000,

An electorate of between 700 and 800 persons divided between these two groups would not be too large: they might send their votes by registered post in the way suggested in other cases.

While the Lieutenant-Governor fully accepts the principle of giving special representation to the Muhammadans on the Provincial as well as on the Imperial Legislative Council, he cannot support the claim made by the Trustees of the Muhammadan Anglo-Oriental College that the Council should be enlarged so as to allow of the Muhammadans of each division electing a Muhammadan member or their claim that they themselves should be permitted to nominate a Muhammadan member. He is, however, prepared to nominate from among the Trustees of the Muhammadan Anglo-Oriental College resident within the provinces one of the two Muhammandans to be nominated to the Provincial Council. He is not able to accept the contention that, if the idea of having special representation of the Muhammadans of the provinces is carried out, instead of there being separate representation for Muhammadans, it should be left to mixed constituencies to elect Muhammandans among others, and that the Government should fix a minimum number of Muhammandans to be elected to the Council and itself nominate the number necessary if the minimum is not reached at the elections. The past experience of the United Provinces shows that with a mixed electorate Muhammadans will never be elected, and this suggestion cannot be entertained. Nor can the proposal that all the Muhammadan members should be nominated by Government. The qualifications of Muhammadan candidates should, the Lieutenant-Governor suggests, be that they should be qualified as electors, and should have at least the same property qualifications as are proposed for candidates for the representation of divisions.

25. I am now to refer to the remarks contained in paragraphs 21 and 22 of your letter regarding the electorate for municipalities and district boards. The election of members not only of the Provincial, but also in large degree of the Imperial, Council rests ultimately, it is said, on the local franchise, and the first question therefore which arises is the correlation of local and provincial or Imperial representation, and the necessity of adapting the local franchise in order to secure suitable representatives for the central Councils. On this point the Government of India observe that the qualifications required both for electors and for candidates are extraordinarily low; the franchises, they say, were primarily devised with a view not to election of Councils, but to the management of local affairs, and their unsuitability as a foundation for the election of legislators seems to have escaped notice in 1893.

These remarks are not, I am to say, fully applicable to these provinces. For district boards the qualifications, which are prescribed in rules made by the Local Government under section 56, United Provinces Act III of 1906, are the same for electors and for candidates, and the selection of electors rests almost entirely with the District Magistrate. The persons qualified in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number fixed by the Commissioner on the recommendation of the District Magistrate, not being less than twenty-five nor more than one hundred, of such other persons literate, not less than twenty-one years of age, and residing or owning landed property or carrying on trade or business in the tahsil, as the District Magistrate, having regard to their position, interest, or influence in the tahsil, may consider fit persons to be electors. Ordinarily the number of electors is fixed at fifty or sixty for each tahsil, and the bulk of them are landowners.

Under the Municipal Act (United Provinces Act I of 1900) the Local Government may make rules applicable to all or any municipalities as to the qualifications of electors and of candidates for election. These qualifications vary from one municipality to another. In most municipalities an elector must be—

twenty-one years of age ; and an owner or occupier of premises paying an annual rental for which the minimum fixed is generally Rs. 24 or Rs. 36 ; or

in receipt of an income not less than Rs. 120 to Rs. 500 per annum, or assessed to pay in Imperial or municipal taxation a sum for which the minimum generally fixed is Rs. 2 or Rs. 3 per annum ;

while a candidate must be a magistrate having jurisdiction or an elector who is—

an owner or occupier of premises paying an annual rental for which the minimum generally fixed is Rs. 72, and in the large municipalities Rs. 120 to Rs. 300, or

in receipt of an income not less than Rs. 360 to Rs. 2,500.

The Government of India have drawn attention particularly to the qualifications demanded in Bengal, and have observed that in other provinces they are of much the same order of magnitude ; in these provinces, however, so far at least as district boards are concerned, they are distinctly higher, and it can certainly not be said that the representatives either of district boards or of municipalities elected to the Provincial Council have been unsuited to their position.

Experience, then, has not established any necessity for a general enhancement of electoral qualifications, and on general grounds also it appears to the Lieutenant Governor that no such enhancement is called for. He is quite prepared to admit that in particular municipalities the existing franchise may be too low, though every case would have to be considered on its merits, and in small municipalities a low qualification is essential for the preservation of a sufficient electorate. But the objects to be kept in view in fixing qualifications for representation on local bodies and on Provincial and Imperial Councils are distinct, and it would be a mistake to confuse them. The proper course is, Sir John Hewett would urge, to fix for municipalities and district boards such qualifications as their functions demand, and to impose additional qualifications for candidates who seek election to the Provincial and Imperial Councils.

26. The second question that arises in connection with the electorate of municipalities and district boards is the application to them of the principle of class representation. This matter, it may be observed, was considered by the Government of India, partly at least, in relation to a general scheme, in which class representation on municipal and local boards was suggested as the basis [paragraph 22 (*c*)] of class representation in the Provincial Council. The proposal of this Government, however, proceed on different lines, the electorate which will return representatives of special classes being constituted independently of local bodies, and the question of class representation has now to be considered merely in its bearing on local interests.

In considering this question it is necessary first of all to examine the constitution of existing boards, and returns have therefore been compiled which give the following results. Of 663 members of district boards (exclusive of official members), 455 are Hindus and 189 are Muhammadans: of the Hindus 115 are Brahmans, 114 Rajputs, 63 Kayasths, 60 Vaish or Banias, and 51 Khatris; 526 are landholders, of whom 36 are also traders (bankers and money lenders) and 71 are lawyers. Of 965 member of municipal boards (exclusive of official members) 562 are Hindus and 310 are Muhammadans; among the Hindus the Kayasths and Brahmans take the lead with 132 and 127 members, followed by Banias (107), Vaish (86), and Khatris (55); landholders are still in the majority, returning 428 members, of whom 54 are engaged also in trade, but the proportion of lawyers (207) and of bankers, traders, and money lenders (150) is much higher than in the case of district boards. These results appear to the Lieutenant Governor to be, on the whole, satisfactory. The proportion of Muhammadans to Hindus in the municipal population is as 1 to 1·6, and for the provinces as a whole roughly as 1 to 6: the proportion among members of municipalities is as 1 to 1·8 and on district boards as 1 to 2·4, and, though the Muhammadans are no doubt entitled to more than a proportional representation, it cannot be said that the present system affects them unfavourably. The conclusion drawn from the statistics is confirmed by the reports received from District Magistrates; it is only in a few exceptional cases that Muhammadans fail to obtain a fair share of the representation, and the Lieutenant-Governor thinks it would be a pity to disturb the generally amicable relations at present existing between Hindus and Muhammadans by introducing religious distinctions into the electoral system. As between Hindus the representation of a few castes is no doubt out of all proportion to their numbers, but it must be remembered that the mass of the Hindu population is to be found in the lower castes—Chamars, Ahirs, Pasis, and the like,—the separate representation of which is not within the range of practical politics, and the Lieutenant Governor doubts whether any system of caste representation is either necessary or workable. It will be observed that on district boards a full share of the representation is obtained by the Rajputs, the only large caste apart from the professional and trading classes, the members of which are qualified by education and position to be representatives.

27. The question of the possibility of representation by occupational groups remains to be considered. On district boards the only occupation the interests of which have to be considered is agriculture, and it has been seen that the landowning interest is fully represented, while the time has not yet come for election by tenants of representatives taken from their own class. In municipalities as in district boards the bulk of the representation still goes to the landowners, who stand in both for the upper classes; and trade also secures its proper share. The remainder, it may be said, is secured by lawyers, not only because it is to their interest as professional men to keep themselves before the public, but because, apart from landowners and business men, they are practically the only class with sufficient capacity and education to fill the position. That the legal element should be largely represented appears under present conditions to be inevitable, and the Lieutenant Governor is not in favour of any artificial reduction of its influence. And, apart from this, it is not clear what interests within a municipality except those of trade can be differentiated or require separate representation. The considerations which apply to the case are essentially different from those governing the case of Provincial Councils, which deal with general as well as local questions in all branches of the administration. The subjects with which, on the other hand, a municipality has to deal are limited in number; they affect the community, not by classes but individually, and they are considered in their application only to the special conditions of a single town. Apart from trade, which has a special interest in some municipal questions, such as taxations, and which is adequately represented, it is difficult therefore to see what occupational groups could be formed for municipalities. There is a local solidarity which it is not desirable to break up, and the question with regard to municipal representatives appears to be, not so much what interests they represent, as whether they are suitable men to administer the affairs of their town and to safeguard the general interests of its inhabitants.

28. Finally, even if class representation were considered desirable, its introduction would be seriously impeded by a peculiarity that exists in the actual working of district boards and municipalities. It is not as an attendant at district board meetings at headquarters that a member of a district board is most useful, but as an unofficial inspector of roads, school, and the like in his tahsil. The same argument applies, if with somewhat less force, to municipalities. District boards and municipalities are not in the main deliberative bodies; their chief function is administration, and the administrative unit is not the district but the tahsil, it is not the town but the ward. Now the number of representatives of each ward or tahsil is necessarily very small. It would be impossible, therefore, without making the boards unwieldy to apply to either the principle of class representation, and to ignore the actual organization and deal with the district or town as a whole would undoubtedly impair the efficiency and usefulness of the boards. Taking a general view of the case, the Lieutenant Governor does not, indeed, regard the present system as free from defects or its results as in all cases satisfactory. He believes, for example, that the method

now in force of preparation of electoral rolls in municipalities by members of the board is open to abuse, and that it would be preferable to have the rolls made up by an independent authority. The procedure of the ballot also, which does not at present secure the independence of the voter, may require amendment. And in the case of district boards the Lieutenant Governor is prepared to abolish the present system of nominating electors and to substitute a definite franchise entitling all persons to vote who are possessed of certain qualifications. Amendments of this nature do not, however, depart from the principle of the existing system, but merely seek to give that system greater reality. And if, again, there are individual cases in which the application of the system leads to inequalities, with the result that the Muhammadans in one town or the traders in another fail to secure their proper share of representation, such inequalities should in his judgment be corrected by local expedients, by the re-allocation of wards for example, or an increase in the number of nominated members, and not by the introduction of new methods, such as the subdivision of the electorate, which is certain to cause much more heartburning than the extended use on specific occasions of the power of nomination. On the whole, therefore, the Lieutenant Governor agrees with the general consensus of opinion, official and non-official, that there is no necessity for any radical change of principle, and the application to local bodies of any system of class representation appears to him uncalled for and inexpedient.

29. A few miscellaneous matters may now be referred to. The question of residential and proprietary qualifications has been dealt with under each class of candidate; but the suggestion that a knowledge of English, that is of the language in which the proceedings of Council are conducted, should be insisted on may be mentioned. Such a rule might exclude members whose presence on the Council would be desirable, and it does not appear to be needed for the Provincial Council any more than for the Imperial Council. It has been suggested that the number of officials in the Council might be reduced were Government to reserve to itself the right of veto to be exercised when necessary; but it is clear that nothing could be more undesirable than a constant exercise of the right of veto by the Government. The general opinion is that the uneducated classes must remain without direct representation, and it is difficult to see how this is to be avoided. A criticism of the scheme which has been put forward is that the monied classes as well as the tenantry have not received due attention. The case of the tenantry has already been referred to, but provision is needed for the representation of the monied classes. It may be hoped that some of them may be elected by the large municipalities, and in any case the Lieutenant Governor proposes by the exercise of his powers of nomination to ensure that they are represented in the Council. It has been suggested that all merchants, manufacturers, capitalists, and bankers paying income tax of Rs. 250 or over should be formed into an electorate and given a member, but at present no satisfactory electorate of the kind could be formed.

30. A matter to which I am to invite the attention of the Government of India is the difficulty that is now felt owing to the Lieutenant

Governor not being able to call together his Legislative Council except when there is legislative business to bring forward. The need for legislation in these provinces is not acute, and it is to be hoped that it will not become so ; but there is a strong feeling, and to His Honour's mind a justifiable one, that the Council ought to be able to meet once every quarter, and he would be glad to see the law altered to admit of this.

31. The Lieutenant Governor heartily agrees with the proposals made in paragraph 23 of the letter of the Government of India regarding the discussion of the budget, and proposes to present the budget to an informal committee of the Provincial Legislative Council in the form of financial proposals in respect of which the Government is prepared to consider criticism. He is not prepared to advocate the conferment on members of the Provincial Council of the right to move amendments in the budget at a meeting of the Council. Were there no other objection to a change of this nature he does not understand how it would be possible to adopt it in respect of the financial statement of a Local Government, which has to be definitely and finally sanctioned by the Government of India before it can come before the Provincial Council.

32. In conclusion, I am to submit a detailed statement of the alterations that should be made in the regulations of the Provincial Legislative Council in order to carry into effect the proposals contained in this letter.

I have the honour to be,
SIR,
Your most obedient servant,
J. M. HOLMS,
Chief Secretary.

APPENDIX.

Draft rules for the discussion of the financial statement.

I.—PRELIMINARY.

1. In these rules—

"Council" means the Council of the Lieutenant Governor of the United Provinces of Agra and Oudh, assembled for the purpose of making Laws and Regulations.

"Member" means a member of the Council of the Lieutenant Governor for making Laws and Regulations.

"Secretary" means the officer appointed by the Lieutenant Governor to perform the duties of Secretary to the Council.

II.—RULES FOR THE DISCUSSION OF THE FINANCIAL STATEMENT.

2. The Financial Statement of the Government of the United Provinces shall be explained in Council every year, and a printed copy given to each member.

3. The statement shall be explained by sections, each section comprising such heads, or groups of heads, in the statement as the Lieutenant Governor shall, from time to time, determine. After each section has been explained, each member shall be at liberty to offer any observations he may wish to make touching the matters with which such section deals, and the member who has explained the section shall have the right of reply.

4. The explanation and discussion of the statement referred to in rule 3 shall be followed by a debate in which each member may address the Council on the statement generally, and the debate shall be closed by the Lieutenant Governor or, in his absence, the member presiding under section 45 of the Indian Councils Act, 1861, making such observations, if any, as he may consider necessary.

5. The discussion will be limited to those branches of revenue and expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial finance.

III.—RULES FOR ASKING QUESTIONS.

[As in present rules.]

Draft Regulations.

I.—The Lieutenant-Governor of the United Provinces of Agra and Oudh has been authorized by the proclamation of the Governor General in Council in the Home Department No. dated to nominate forty-four councillors for his assistance in making Laws and Regulations. Of these forty-four councillors not more than twenty-two shall be officials.

II.—The nominations to sixteen seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies, associations, and classes of persons respectively, namely—

A—such municipal boards as the Lieutenant-Governor may from time to time prescribe by notification in the Gazette;

B—such groups consisting of municipal and district boards as the Lieutenant-Governor may by notification as aforesaid appoint for this purpose in each division of the United Provinces except Kamaun;

C—the Upper India Chamber of Commerce;

D—the Senate of the University of Allahabad;

E—the British Indian Association of Oudh;

F—such landholders or classes of landholders in the province of Agra as the Lieutenant-Governor may from time to time declare in the manner aforesaid to be duly qualified in this behalf;

G—such members of the Muhammadan community as the Lieutenant-Governor may from time to time declare in the manner aforesaid to be duly qualified in this behalf.

III.—The number of councillors to be recommended by the bodies and classes of persons described in rule II shall (except as hereinafter provided in rule VIII) be as follows, namely:—

(*a*) in the case of the bodies described under A, two councillors, the right of recommendation being exercised by such bodies in turn or in such other manner as the Lieutenant-Governor may from time to time prescribe by notification in the Gazette;

(*b*) in the case of the bodies described under B, one councillor for each division;

(*c*) in the case of the class of persons described under G, two councillors;

(*d*) in the cases of the bodies and classes of persons described under C, D, E, and F, one councillor each.

IV.—The Lieutenant-Governor may at his discretion nominate persons who are not officials to such of the remaining seats as shall not be filled by officials.

V.—When a vacancy occurs, or at any time within three months of the date when a vacancy will occur in the ordinary course of events, and is to be filled under rule II of these Regulations, the Lieutenant-Governor shall cause notice to be given to the proper body or group of bodies or association or class of persons to recommend a person for nomination by the Lieutenant-Governor:

Provided that in the case of a class of persons such notice shall be given by a notification in the Gazette.

VI.—The recommendation shall be made—

(*a*) in the case of a municipal board or of the Senate of the University, by a majority of the votes of the board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group consisting of municipal and district boards, by a majority of the votes of representatives to be appointed by such boards according to such scale as the Lieutenant-Governor shall from time to time prescribe;

(*d*) in the case of a class of persons, by a majority of the votes of the persons composing the class.

VII.—No person shall be eligible for recommendation in the following cases unless he fulfils the conditions herein described, that is to say—

(*a*) where the recommendation is to be made by a municipal board, the person to be recommended must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount, and must reside within the municipality for at least six months of every year;

(*b*) where the recommendation is to be made by a group consisting of municipal and district boards, the person to be recommended must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount, and must reside within the division in which such group is situated for at least six months of every year;

(*c*) where the recommendation is to be made by the landholders of the province of Agra, the person to be recommended must pay land revenue of not less than Rs. 5,000 a year;

(*d*) where the recommendation is to be made by members of the Muhammadan community, the person to be recommended must be duly qualified to make a recommendation under rule II-G and, if he is not so qualified by virtue of the payment of land revenue of a certain amount or of income-tax on an income of a certain amount, he must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount.

VIII.—If within three months after receiving notice as provided by rule V the body or association or group of bodies or class of persons fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person belonging to the class which the body, or association, or group or class of persons is deemed to represent.

IX.—If the Lieutenant-Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh notice shall be issued as provided in rule V and the procedure laid down in rules VI and VIII shall apply.

X.—(*a*) As soon as conveniently may be after these Regulations come into force sixteen of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of sixteen vacancies available at once for the purpose, the Lieutenant-Governor shall determine at his discretion, subjcet always to the provisions of rule III, to which of the bodies or groups or classes of persons notice shall be given to recommend the persons to fill up such vacancies as may then be available: and so whenever and as often as any further vacancies among non-official councillors become available, until the full number of sixteen has been completed.

List of Enclosures.

Opinions of—

1. British Indian Association, Oudh.
2. Landholders' Association for the Province of Agra.
3. Allahabad University.
4. Upper India Chamber of Commerce.
5. Trustees, Muhammadan Anglo-Oriental College, Aligarh.
6. His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G.C.I.E., of Benares.
7. The Hon'ble Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad.
8. The Hon'ble Nawab Mumtaz-ud-Daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu.
9. The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Kila Partabgarh.
10. The Hon'ble Rai Sri Ram Bahadur, C.I.E., Lucknow.
11. The Hon'ble Rai Nihal Chand Bahadur, Landowner, Muzaffarnagar.
12. The Hon'ble Rai Sundar Lal Bahadur, C.I.E., Allahabad.
13. The Hon'ble Munshi Madho Lal, Member, Imperial Legislative Council.
14. Raja Rampal Singh, C.I.E., of Kori Sudauli, Rae Bareli.
15. The Hon'ble Mr. A. W. Cruickshank, C.S.I., Senior Member, Board of Revenue, United Provinces.
16. H. C. A. Conybeare, Esq., I.C.S., Commissioner of Meerut.
17. A. L. Saunders, Esq., I.C.S., Commissioner of Lucknow.
18. W. R. Partridge, Esq., I.C.S., Commissioner of Gorakhpur.
19. H. V. Lovett, Esq., I.C.S., Commissioner of Benares.
20. E. A. Molony, Esq., I.C.S., Collector of Gorakhpur.
21. The Hon'ble Mr. B. Lindsay, I.C.S., Secretary to the Legislative Council, and Legal Remembrancer to Government, United Provinces.
22. C. E. Crawford, Esq., I.C.S., Collector of Azamgarh.
23. H. T. Morgan, Esq., I.C.S., Collector of Basti.
24. Abdullah *ibn* Khan Bahadur Yusuf Ali, Esq., Assistant Commissioner, Sultanpur.

No. 2, dated Lucknow, the 6th January 1908.

From—Maharaja Sir Bhagwati Prasad Singh, K.C.I.E., *of Balrampur, President, British Indian Association, Oudh,*

To—Chief Secretary to Government, United Provinces.

Sir,—I have the honour to acknowledge the receipt of G. O. no. 1517/III—416-1907, dated the 7th October 1907 (with its enclosures), relating to the question of the constitution of the Provincial Advisory Council and the expansion of the Local Legislative Council.

2. In the first place the British Indian Association, Oudh, beg to tender their hearty thanks to His Honour the Lieutenant Governor for giving a favourable response to their prayer and allotting a seat permanently to a representative of the Association in the Legislative Council of the United Provinces.

3. The Government order referred to, together with its enclosures, was taken into consideration by the members at a meeting of the executive committee of the Association, and I beg to submit herewith the conclusions arrived at by them and their suggestions relating to the points on which the Government has been pleased to ask the opinion of the Association.

The Provincial Advisory Council.

4. It appears that His Honour the Lieutenant Governor considers that the number of members of the Provincial Advisory Council may be fixed at twenty-five. The Association think that it is not open to them to say anything with regard to an increase in the numercial strength.

5. In these circumstances the Association beg to submit their suggestions as regards the constitution only of the Provincial Advisory Council. They consider that the principal object of the Government in establishing such a council is to have a medium through which Government may be able to acquaint itself fully with the views of the different sections of the community on subjects of public importance and to get the advice of the representatives of those communities on such subjects. It is not seldom that interests of the different sections of community are not identical but rather divergent. It is therefore essential, as pointed out in paragraph 6 of Government of India's letter, that the membership of the Provincial Advisory Council should embrace all interests of sufficient importance, and that not only the landholding class, but industry, commerce, capital, and the professional classes should have their representatives in such Council.

6. With due regard to the aforesaid principles the Association beg to submit their suggestions relating to the constitution of the proposed Advisory Council for these provinces. They think that if the selection of members be made on basis like those indicated below, all the important communities and interests will have a proper representation. The Council should consist of—

Ruling chiefs	2
Taluqdars of Oudh	3
Representative of other landholders of Oudh	1
Representatives of landholders of the province of Agra	4
Representative of the Upper India Chamber of Commerce	1
„ Indian merchants	1
„ municipal boards, Oudh...	1
„ the municipal boards of the province of Agra	1
„ the district boards, Oudh	1
„ „ of the province of Agra	1
„ the Allahabad University	1
„ the Indian Bar, Oudh	1
„ „ Agra	1
„ the mills and other industries	1
Non-official Europeans	1
Capitalists of Oudh	1
„ the province of Agra	1
Representatives of other interests and communities whom the Government may think fit to be represented	2
Thus making a total of ...	25 members.

IMPERIAL LEGISLATIVE COUNCIL.

7. On the subject of representation of the landholders of the province of Oudh in the Imperial Legislative Council, the Government order expresses the view that only one seat is to be allotted to the landholders of both the Provinces of Oudh and Agra in that council, and the representative from each province is to be taken alternately. The Association most respectfully beg to submit that the Government will be graciously pleased to confer on them the privilege of sending their representative in each term and not alternately. In paragraph 12 of their letter the Government of India have been pleased to recognize the necessity for giving substantial representation in the Imperial Legislative Council to the great landholders. The British Indian Association of Oudh cannot sufficiently express their feeling of gratitude to His Excellency the Governor General in Council for making the pronouncement of a policy indicative of such wise and sound statesmanship. Relying on the expression of policy and on the consideration that the Taluqdars of Oudh occupy a high and permanent position in the rank of the landed aristocracy of India; that the aggregate sum of the land revenue paid by them comes to Rs. 1,00,21,201-2-0 annually; that their Association, *viz.* the British Indian Association, is one of the oldest institutions of that class, having been founded nearly half a century ago; and that they have always been the recipients of special privileges and distinctions from the Government, they venture to submit that the Government will be pleased to bestow on them the privilege asked for by them.

PROVINCIAL LEGISLATIVE COUNCIL.

8. The British Indian Association are grateful to the Government for enlarging the number of non-official members on the Local Legislative Council. They, however, beg to submit that an alteration should be made in the proposal contained in the Government order respecting the representation of the municipal boards. Instead of allowing the Lucknow municipal board to elect a representative every third time, and placing the other municipalities of Oudh in a group with others of the province of Agra, all municipalities of Oudh should form one electorate as in the case of Oudh district boards. The constitution of such an electorate will bring in more homogeneity and will result in a member being returned to the local council who will be better acquainted with the wants and requirements of his constituencies. The Association approve the rest of the proposals contained in the Government order on the subject of election or nomination of councillors.

9. On the subject of the qualifications of electors and candidates for election as members of the municipal boards, the Association do not consider that any changes are necessary: they think that the method at present followed is a suitable one and is adapted to the needs of respective municipalities.

10. As regards the electors and candidates for election as members of district boards, the Association are of opinion that some property test should be attached to them. They would suggest that only those persons should be qualified to be brought on the list of electors and should be eligible as members who are either landholders paying Government revenue of Rs. 300 or upwards or other persons paying income tax on an annual income of Rs. 1,200.

11. The Association do not consider that any other qualification than that of being a member of the British Indian Association should be required of a candidate for nomination as representative in the Local Legislative Council of the landholders of Oudh, to be nominated by the British Indian Association.

No. 1646, dated Allahabad, the 11th January 1908.

From—Honorary Secretaries, Landholders' Association for the Province of Agra,

To—Chief Secretary to Government, United Provinces.

SIR,—In compliance with G. O. no. 1516/III—416-1907, dated the 7th October 1907, we are directed to submit the views of this Association on the proposals

of the Government of India and the Local Government regarding the creation of Advisory Councils and enlargement of Legislative Councils.

2. While the Association fully appreciates the spirit which has prompted the Government of India in initiating the proposals for the promotion of constitutional government in this country, and while it finds itself generally in agreement with that Government and the Government of these provinces as to the manner in which it is contemplated to give effect to these proposals we are directed to indicate a few points, chiefly of detail, on which the Association is of opinion that the proposals might be modified with advantage.

PROVINCIAL ADVISORY COUNCIL.

3. As regards the proposed Advisory Council for these provinces, the Association is of opinion that twenty-five members cannot adequately represent the vast territory of these provinces. As the functions of this council will, to a large extent, be similar to those of the Imperial Advisory Council, its members will no doubt be expected to interpret the acts and intentions of Government to the people of the area which they represent in the council. Bearing this consideration in mind, the Association is of opinion that twenty-five members can scarcely be expected to efficiently act as interpreters to forty-eight districts.

4. The Association ventures to think that the voice of the members of the council will carry greater weight with the people if at least a portion of them are elected by the leading men of the area which they represent. We are therefore to suggest for the consideration of Government whether it would not be advisable to appoint a portion of the members by election, the remainder being nominated by the Government.

5. As industry, commerce, capital, and the professional classes are to be represented in the council along with the landholding class, the Association would, in consideration of the preponderance of this class, suggest that at least half the members of the council should be landholders.

6. It appears to the Association that it would be an advantage to Government as well as to the people if the Council were authorized not only to advise Government on matters on which it is consulted, but on such matters as appear to it to call for consideration by Government.

7. In the absence of any provision in the proposal of the Government of India or the Local Government as to when and how often the Provincial Advisory Council should meet, the Association would suggest that the Council should meet at least once a year, and in special circumstances on the requisition of one-third of its members.

PROVINCIAL LEGISLATIVE COUNCIL.

8. The Association agrees with the proposal contained in paragraph 3 of your letter regarding the composition of the non-official portion of the Provincial Legislative Council except as to the following points, on which we are to make the suggestions noted below.

9. As all the merchants, traders, capitalists, and manufacturers in these provinces are not represented on the Chamber of Commerce, Cawnpore, the Association would suggest that the Council should include a member elected by such merchants and others mentioned above as are unconnected with the Chamber of Commerce, provided that they pay an income tax of not less than Rs. 130 per annum.

10. The council is to have two representatives of district boards from Agra province and only one from Oudh. This is no doubt due to the large area and population of the former province. For the same reason this Association would suggest the landholders of the Agra province being represented by two members—one to be nominated by it and one elected by other recognized landholders' associations in the province.

11. There is a diversity of views in this Association regarding (*a*) the special representation of the Muhammadan community in the Council, (*b*) the qualifications of members of municipal and district boards and of their electors, and (*c*) the principle

of assigning a fixed proportion of seats in these boards to each of the principal classes into which the population is divided by race, caste, or religion, and in the absence of unanimity the Association refrains from expressing any views on these three subjects.

12. The Association thinks it necessary that members of the council should be residents of circles from which they are elected, and should have an annual income of at least Rs. 5,000 and a fair knowledge of the language in which the proceedings of the council are conducted.

Imperial Legislative Council.

13. The Association would suggest the landholders of the United Provinces of Agra and Oudh being represented in this council by one member to be elected by landholders paying a land revenue of not less than Rs. 10,000 : but if this suggestion cannot be accepted and the representative of the landholders in these provinces is taken alternately from Agra and Oudh, we are to suggest that the electorate for Agra should consist of this Association and other recognised landholders' associations in the Agra province, the number of votes assigned to each association being determined by the Local Government.

University of Allahabad.

Report of the sub-committee appointed under resolution no. 89 of the meeting of the Syndicate held on the 15th November 1907, as accepted by the Senate at its meeting held on the 13th January 1908.

Read—

(i) Letter of the Chief Secretary to Government, United Provinces, no. 1514—III—416-1907, dated the 7th October 1907.

(ii) Letter of the Government of India no. 2310-17, dated the 24th August 1907.

The sub-committee are of opinion as follows :—

I.—As to the proposed Imperial and Provincial Councils—

(*a*) that it will promote free discussion and frank expression of opinion if the meetings of the councils are presided over by a non-official chairman, but in view of the possible difficulties in the selection of such a chairman in the case of the Imperial Advisory Council, which will comprise twenty ruling chiefs among its members, the meetings of the said council should, as proposed by the Government, be presided over by His Excellency the Viceroy, or some high official nominated by him; but in the case of the Provincial Advisory Council, the meetings should be presided over by a non-official chairman appointed by the Government ;

(*b*) that the scope of the work of the two councils should not be limited to giving advice when asked, but that they should have the right to tender advice and also to invite the attention of the Government to matters which in their opinion call for the consideration of the Legislature or the Executive Government;

(*c*) that meetings of the council should be called whenever the Government thinks expedient, but at least once a year, and in the case of the Provincial Council on the request of not less than ten members ;

(*d*) that any measure against which three-fourths of the members vote should be deferred for further consideration for a year except when the Governor General in Council declares the measure to be urgent ;

(*e*) that the Government would get a more useful Imperial Advisory Council if its choice were not restricted, as appears to be the intention, to ruling chiefs and territorial magnates, and they would suggest that other persons of eminent position, such as retired High Court Judges, Vice-Chancellors, and ex-Vice-Chancellors of Indian Universities, those who have rendered eminent services to the State, Prime Ministers of

Native States, retired civilians settled in the country, professional men of distinguished attainments, should also be eligible for appointment ;

(*f*) that the general scheme as indicated in paragraph 6 of the letter of the Government of India, which requires that all interests of sufficient importance should be represented in the Provincial Council be approved and that the number suggested in the Chief Secretary's letter, *viz.* twenty-five for the Council, is sufficient and that the various interests should be thus represented, *viz.*—

(*a*) Zamindars by nine members ;

(*b*) Capital, industry, and commerce by three members ;

(*c*) The University of Allahabad by two members ;

(*d*) The professions by two members ;

(*e*) Hindu, Muhammadan, Christian, and Jain religious by five members.

The remaining members to be selected by the Government to represent any other interests which the Government considers should also be represented.

II.—As to Imperial and Provincial Legislative Councils : —

(*a*) that the members appointed and elected should have a sufficient knowledge of English to be able to follow the discussions in council and that all voters should be literate :

(*b*) that the electors for seats under section 12D (*c*) should be landholders paying not less than Rs. 5,000 as Government revenue, or who own land assessed to Government revenue at the same amount, and also all persons paying income-tax on not less than Rs. 5,000. The candidates for membership should pay Rs. 25,000 or more on account of Government revenue or own land assessed to a like amount, or should pay income-tax on like amount ;

(*c*) that as to paragraph 17 of the Government of India's letter the franchise in the case of Muhammadans appears to be unnecessarily low.

III.—As to paragraph 22 of the Government of India's letter :—

(*a*) that there is much force in what is said in the concluding portion of a letter published in the *Pioneer* of the 2nd December 1907, headed " Government reform proposals," and the sub-committee would deprecate the further extension of class representation ;

(*b*) that with the time at the disposal of the sub-committee it is not possible to make detailed proposals as to paragraph 4 of the Chief Secretary's letter, but they would suggest that the claims of education as well as of the professions should be recognized, and that all graduates of not less than five years' standing should be entitled to vote for and should be eligible for election as members both of district and municipal boards. Subject to this they would retain the existing franchise and rules for the qualification of candidates for the board ;

(*c*) that residential and property qualifications for representation of boards in the Legislative Council should be prescribed. In the case of representation of district boards the proprietary qualifications should not be restricted to payment of land revenue, as this would exclude an important and daily increasing number of persons carrying on trade or business outside municipal limits ; they should be eligible if paying sufficient amount of income-tax.

Dated Cawnpore, the 2nd January 1908.

From—A. SHAKESPEAR, ESQ., *Secretary to the Upper India Chamber of Commerce,*

To—*Chief Secretary to Government, United Provinces.*

SIR,—In continuation of my letter dated the 11th November last, I am directed to submit the views of my committee on the proposals referred to in your letter no. 1514/III—416-1907 of the 7th/14th October last, and in doing so to

express their regret that this communication has been unavoidably delayed a couple of days beyond the appointed time.

Provincial Advisory Councils.—As regards the constitution of the Provincial Advisory Council, the committee consider that the following important interests should be represented by Government nominations:—

2 Unofficial members for commerce and industry, one of whom, if possible, to be specially selected for his connection with indigenous industries.
1 Unofficial member for banking and finance.
" education.
" the legal profession.
" municipal affairs.

3. With regard to the qualifications of candidates for seats on municipal and district boards, there is a very prevalent belief that in both cases the position of members is in many instances sought for, and made use of, as a means of self aggrandizement or an opening for making money. The committee would like to see the management of local affairs more in the hands of persons having the real interests of the rate-payers at heart, and they are of opinion that the Government of India's suggestions for the amendment of the system governing elections to municipal boards would do much to improve the status of these corporations and their utility.

There seems to be no doubt that, be the reason what it may, the electorate is not using its voting rights to the advantage of the rate-payers, of which the extremely small number which appears at the poll is clear evidence, and it is questionable whether Government would not do well to make wider use of their powers of nomination in the case of municipal and district boards, until with the spread of education the electorate comes to better realize the advantages of local self-government.

4. The committee agree with the conclusion arrived at by the Government of India, that the importance of any particular section of the community, and not its numerical strength, should be the determining factor in fixing the number of seats to be allotted to each class of the population. To alter the franchise without at the same time bringing about a redistribution of the seats on the municipal and district boards bearing some relation to the various groups into which Government consider the population should be divided, would not, the committee consider, tend to confer any benefit on the community at large.

5. *The Imperial Advisory Council.*—The committee approve of the proposals set forth by the Government of India, and have no recommendations to offer in this connection.

6. *The Imperial Legislative Council.*—The committee agree as to the desirability of enlarging the Imperial Legislative Council, and, in general, as to the procedure which it is proposed to adopt. They consider, however, that in view of the highly important interests connected with the trade and industries of northern India, and which cannot be held to be adequately represented by the Chambers of Commerce of Calcutta and Bombay, the Upper India and the Punjab Chambers of Commerce should be allowed the privilege of electing a commercial member alternately or jointly.

7. The committee also approve of the proposal that one member should be elected by each Provincial Legislative Council to the Imperial Legislative Council.

8. The committee are at one with the Government of India as to the changes proposed to be introduced in the discussion of the budget in the Imperial Legislative Council, *vide* paragraph 23 of the Government of India's letter.

Dated Aligarh, the 20th December 1907.

From—NAWAB VIKAR-UL-MULK MAULVI MUSHTAK HUSAIN,
Honorary Secretary to the Trustees, Muhammadan Anglo-Oriental College, Aligarh, United Provinces,

To—Chief Secretary to Government, United Provinces.

SIR,—The scheme for the reform and enlargement of the existing Legislative Councils and the creation of the Imperial and Provincial Advisory Councils (as authorized in the Government of India letter no. 2310—2317, dated the 24th

August 1907, and explained, with reference to its application to the particular requirements of the Provinces of Agra and Oudh, in the letter of the United Provinces Government no. 1518-117 --41-1907, dated the 7th October 1907, has been carefully considered by the Muhammadan Anglo-Oriental College Aligarh Trustees, who beg to thank His Honour the Lieutenant-Governor for giving them an opportunity of expressing their views upon a measure which is of such supreme importance both to the Government and the people of this country.

It may be mentioned at the outset that the Trustees have examined the scheme mainly from the point of view of the Muhammadans of India, whose due and rea representation in the councils is the chief object of the suggestions made in the following remarks on the proposed reform scheme.

With a view to a clear expression of their views, the Trustees have considered the main points of the scheme in the following order :—

(1) The desirability of establishing the Imperial and Provincial Advisory Councils.
(2) The constitution of such councils and the method of selecting their members.
(3) The functions and meetings of such councils.
(4) The proposed changes in the constitution of the Imperial Legislative Council, with special reference to the representation of Muhammadans.
(5) Electorate for the election of Muhammadan members for the Imperial Legislative Council.
(6) The proposed changes in the constitution of the Provincial L egislative Council of the United Provinces with special reference to the representation of Muhammadans.
(7) Electorate for the election of Muhammadan members for the Provincial Legislative Council of these provinces.

I.—The desirability of establishing the Imperial and Provincial Advisory Councils

The Trustees fully endorse the view that the establishment of these councils would prove beneficial both to the Government and the country. Those who know the real situation in India must be aware of the influence which the ruling chiefs, territorial magnates, aud the landed aristocracy possess and, in fact, exercise upon the ideas and sentiments of the people in general. The association of what are termed as the "stable element" in Indian society with the ruling power and the intellectually advanced sections of the Indian people will be a distinct step forward in the direction of general advancement of the country. So far the elements which are proposed to be included in these councils have practically kept aloof from and have not been in touch with, the Government in its great work of governing India, but under the proposed scheme they will play an important part at times of need and crisis. The Trustees therefore welcome the establishment of these councils.

II.—The constitution of the Imperial and Provincial Advisory Councils and methods of selecting their members (paragraph 5 of the Government of India's letter).

As regards this matter, the Trustees are of opinion that it may safely be left to the discretion of the Government, who are themselves anxious to secure due representation of his section of the Indian people. They merely wish to add that the Muhammadan element in these councils should be sufficient to secure due representation of Muhammadans inhabiting the various provinces of India.

III.—The functions and meetings of the Imperial and Provincial Advisory Councils.

In paragraph 4 of the Government of India's letter it is laid down that "the establishment and recognition of a determinate body of advisers, who, while requiring no legislative recognition and possessing in themselves no formal powers of initiative would be consulted individually by the Governor General and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people, would, in the opinion of the Government of India, be a marked step in constitutional progress."

From the above it appears that the function of these councils would be confined to their members expressing their opinion *when consulted* either individually or collectively. The Trustees are of opinion that the members of these councils should also be empowered to lay their views on their own initiative as members of these councils, before the Government on any question which in their opinion may be of sufficient importance to call for such action on their part, and they should also have the right as members of these councils to request information on any particular subject from the Government. This would give the members of these councils a real interest in their work and position and would tend to make these councils really useful institutions.

The Trustees further think that it would be desirable to hold a meeting, so far as practicable, of all the members of the Imperial Advisory Council at least once in every three years, and of the Provincial Advisory Councils at least once every year. Such meetings would bring home to the people the existence of these councils as living institutions, and would be an effective means of impressing upon their members the importance and responsibility of their position.

IV.—The proposed changes in the constitution of the Imperial Legislative Council.

The Trustees fully endorse the view, as explained in paragraph 10 of the Government of India letter, that whatever may be the constitution of the legislative councils, it must always be subject to two main principles :—

(1) that the Governmen , should have a standing majority "independent of the minor fluctuations that may be caused by the occasional absence of an official member ;"

(2) that the legislative councils "should be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community."

The Trustees believe that the proposition requiring a standing and effective majority for the Government is, with regard to the situation in India, the first and an absolute condition for all schemes of reform, and is so important, sound, and axiomatic that no time or word need be wasted in stating or supporting it.

As regards the second principle quoted above, the Trustees not only feel satisfied but grateful to find that justice and need of "due and *ample* representation" of "the different classes and interests of the community" have at last been publicly recognized by the Government of India. The Trustees have naturally examined and considered this scheme with special reference to the "due and ample representation" of the Muhammadan community of India, on whose behalf they venture to express their opinion and convey it to the Government.

According to the scheme as set forth in paragraph 12 of the Government of India letter, the total number of members in the Imperial Legislative Council would be fifty-three or, including His Excellency the Viceroy, fifty-four.

So far as the proposals under heads A, B and C of sub-paragraph (2) of paragraph 12 of the Government of India letter are concerned, the Trustees do not think it necessary to offer any suggestion, as they regard them fair and reasonable.

Coming to head D of the same sub-paragraph, the Trustees think that the proposals laid down in sub-heads (*a*), *b*) and (*c*) also appear to them reasonable and do not call for any special remark.

The total number of non-official members, according to the proposed scheme now under consideration, would be, including a ruling chief, twenty-five. Of these eighteen are to be elected by various electorates and seven to be nominated by His Excellency the Viceroy. Of the eighteen elected members, two are to be [under sub-head (*d*) of head D, sub-paragraph (2) of paragraph 12 of the Government of India letter] Muhammadans; and of the seven nominated members also two will be Muhammadans. Thus out of a total of twenty-five non-official members, both elected and nominated, there will be at least four Muhammadan members in the Council.

The Trustees believe that the recognition by the Government of India of the principle of having a fixed number of Muhammadan seats in these councils is most satisfactory, and they feel grateful to the Government of India for acknowledging in such clear terms in paragraph 16 of their letter that "neither on the Provincial nor in the Imperial Legislative Councils has the Muhammadan community hitherto received a measure of representation commensurate with its numbers and political and historical importance," and that "the total representation thus effected has not been commensurate with its right to which the Muhammadan community is entitled." But the chief question before the Trustees has been whether the number of seats allotted in the proposed schemes to the Muhammadans of India would secure to them "due and ample" representation "commensurate with their political and historical importance" and sufficient for their special needs in this country.

After mature consideration the Trustees are of opinion that the measure of representation allowed to the Muhammadans of India in the scheme now under consideration, far from being "due and ample," actually falls short of their needs and requirements. It need not be pointed out now that the Muhammadans constitute a distinct community not only in the country as a whole but also in each province, and that those inhabiting the various provinces of the country have, besides their national needs, which are common to the community as a whole, special interests of their own which are peculiar to their situation in particular provinces. The country is so large, the various provinces are so far apart and have such a wide variety of needs and conditions, that for the proper and due representation of each province a special study and thorough knowledge of local conditions and circumstances would be necessary, which a member from a distant province is not likely to possess or acquire. The Trustees beg therefore to suggest that each of the eight provinces, namely (1) Bengal, (2) Eastern Bengal and Assam, (3) Bombay, (4) Madras, (5) United Provinces of Agra and Oudh, (6) Punjab (7) Central Provinces and Berar, (8) Burma, should each have at least one elected Muhammadan representative.

The Trustees desire to state that, so far as they are aware of the wishes of the community as a whole, Muhammadans of each province wish to have the right of being represented by an elected member. It is true that out of the six members who are, under this scheme, to be nominated by His Excellency the Viceroy two will be Muhammadans, but to have one province represented by a member who is elected and another by one who is nominated would not be desirable; and after taking everything into consideration the Trustees endorse the view advocated, in the address to His Excellency the Viceroy, by the Muhammadan deputation in October 1906 that the Muhammadans be granted the right of returning by election their representatives on the councils.

According to the scheme under consideration, Muhammadans are given the right of electing two members only, and therefore out of the eight provinces mentioned above only two at a time would be represented by such members; which means that every province, after its turn is over, will be without an elected representative for at least seven years. For instance, if the two elected members be returned from the provinces of Bengal and Eastern Bengal for a period of two years, say for 1908-9, their turn will not come again till 1916.

The object of the proposed reforms being to afford greater opportunities to the people, through their accredited representatives, to convey their wishes and sentiments to the Government, it appears to the Trustees only fair to ask that Muhammadans of each province be granted an equal opportunity for this purpose. It is not always that such reforms are or can be undertaken by the Government, and it is after a long experience that they have now recognized the distinct character of Muhammadan interests in this country. If, therefore, the Muhammadans of India fail to get the rights which alone can secure to them "due and ample" representation, the Trustees apprehend that such an opportunity they are not likely to have for a long time to come.

In addition to the above-mentioned eight members, the Trustees respectfully beg to pay for the privilege of returning one member, on their own behalf, to the Imperial Legislative Council, and they wish to base their request upon the following grounds :—

It is needless to tell the Government of the history, the work, and the success of what is called "the Aligarh movement," for no one knows it better than the Government. It is enough to observe that, ever since the advent of British rule in India, the Indian Musalmans had kept themselves entirely aloof from all those conditions and institutions which were the result of British Government in this country. This aloofness on their part naturally created a breach between them and the Government, and the consequence was that on the one hand the Muhammadans as a community not only failed to appreciate the blessings of British rule and the great qualities of the English people, but looked upon them with suspicion and distrust; and on the other the Government failed to realize the real sentiments and estimate the real value of this important section of the Indian people and regarded them as antagonistic to the new régime. It was the late Sir Saiyid, the founder of the Aligarh movement, who first realized that both sides were in the wrong, and that their attitude towards each other was the result of ignorance, and that, as a matter of fact, the essential interests of both were identical. Having realized this great fact, he set to impress it both upon the Government and on his co-religionists. But he found that without educating his community he would not be able to remove the barrier of ignorance which lay between them and the Government, and therefore he started the educational movement which culminated in the foundation of the Aligarh College and the establishment of the Muhammadan educational conference. The chief work of the Aligarh movement has been on the one hand (1) to make the Indian Musalmans understand that the permanence of British rule, in full vigour and strength, in India is the first condition of their own safety and continual advance, and (2) to impress upon them the absolute necessity of receiving English high education and sound training, and thereby qualifying themselves to take their place as useful citizens of the great British Empire, and on the other to convince the Government that Muhammadans are not only loyal to the Government by sentiment but also by self-interest, and that their progress and advance would mean so much strength to the Government.

The success of the Aligarh movement may be measured by the representative character of the address presented on behalf of the Muhammadan deputation to His Excellency the Viceroy on the 1st October 1906. This address embodied the essential principles and features of the Aligarh movement endorsed practically by the whole community and recognized by His Excellency the Viceroy in the following passage of his reply :—

"Aligarh has won its laurels. Its students have gone forth to fight the battle of life strong in the tenets of their own religion, strong in the precepts of loyalty and patriotism, and now, when there is much that is critical in the political future of India, the inspiration of Sir Saiyid Ahmad Khan and the teachings of Aligarh shine forth brilliantly in the pride of Muhammadan history, in the loyalty, common sense, and sound reasoning so eloquently expressed in your address."

Thus it may fairly be claimed that the Aligarh movement is not confined to any particular province or part of India but represents the united sense and sentiments of practically the whole of that portion of the Muhammadan community in this country of which the voice counts for something and which exercises a real influence on the rest of that community. The Trustees, who have been in charge of this movement from the lifetime of its founder, may therefore be allowed to submit that there is no other corporate body of Muhammadans in India that reflects the views of the community in the manner and to the extent in which they themselves have the honour of doing so.

Therefore, if they desire to have the privilege of returning a member to the Imperial Legislative Council, they do so for the benefit of their community, whose best interests it has been their constant duty to study and advocate.

It may be stated that the body of the Trustees consists of Muhammadan gentlemen of position, learning, and influence representing almost all the provinces of India and all sections of the community. Among them are to be found talukdars, nawabs and raises such as—

(1) the Hon'ble Nawab Sir Amir-ud-din Khan, K.C.I.E., Wali of Loharu State (Punjab);

(2) the Hon'ble Raja Ali Muhammad Khan Bahadur of Mahmudabad (Oudh);

(3) the Hon'ble Nawab Sir Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu (United Provinces);

(4) the Hon'ble Nawab Emad-ul-mulk Maulvi Saiyid Husain Bilgrami (Hyderabad);

(5) Nawabzada Nasr-ul-lah Khan (Bombay);

(6) Sardar Yar Muhammad Khan, C.I.E., Prime Minister, Jaora State (Central India);

(7) the Hon'ble Nawab Saiyid Amir Hasan Khan Bahadur, C.I.E., of Calcutta (Bengal);

(8) the Hon'ble Nawab Bahadur Khawaja Salim-ul-lah Khan, C.S.I., of Dacca;

(9) Nawab Vikar-ul-mulk Maulvi Mustak Husain Sahib of Amroha (United Provinces);

(10) Mushir-ud-daula Mumtaz-ul-Mulk, Khalifa Saiyid Muhammad Husain of Patiala State (Punjab);

(11) the Hon'ble Nawab Fateh Ali Khan Bahadur Qazalbash, C.I.E., of Lahore (Punjab);

(12) the Hon'ble Raja Tasadduq Rasul Khan, C.S.I., of Jahangirabad (Oudh);

(13) Khan Bahadur Mirza Shujaat Ali Beg, Persian Vice-Consul, Calcutta;

and many other big landholders representing the "stable elements." Besides them, the Trustees have among themselves the most distinguished of the educated an d intellectual people such as—

(1) Shams-ul-Ulama Maulana Hafiz Doctor Nazir Ahmad Sahib, LLD., of Delhi (Punjab);

(2) Shams-ul-Ulama Maulvi Khwaja Altaf Husain Sahib Hall, President, All India Muhammadan Educational Conference, Karachi (Sindh);

(3) Shams-ul-Ulama Maulvi Amjad Ali Sahib, Professor, Muir Central College, Allahabad (United Provinces);

(4) Shams-ul-Ulama Khan Bahadur Maulvi Muhammad Zaka-ullah Sahib (Delhi);

(5) Khan Bahadur Saiyid Ashraf-ud-din Sahib, Mutawalli, Imambara, Hooghly (Bengal);

(6) Surgeon-Major Saiyid Hasan, Bilgrami, of Hyderabad (Deccan), London;

(7) Hakim Muhammad Ajmal Khan Sahib, Delhi;

(8) Haji Muhammad Ismail Khan Sahib, Aligarh;

(9) Saiyid Aftab Ahmad Khan, Esq., B.A., (Cantab.), Barrister-at-Law, Aligarh;

(10) Saiyid Sultan Ahmad Khan, Esq., B.A., (Cantab.), Chief Justice, Gwalior State;

(11) the Hon'ble Khan Bahadur Muhammad Shah Din, Barristet-ar-Law, Lahore;

(12) Maulvi Nazir Ahmad Sahib, B.A., LLB. Judge, Kashmir State;

(13) Muhammad Rafique, Esq., Barrister-at-Law, District and Sessions Judge, Fyzabad;

(14) Nawab Muhammad Ishak Khan Bahadur, S.C.S., District and Sessions Judge, Farrukhabad;

(15) Saiyid Muhammad Ali, Esq., C.S., District and Sessions Judge, Mirzapur;
(16) Maulvi Aziz Mirza, Esq., B.A., (Hyderabad), Home Secretary to His Highness the Nizam's Government;
(17) Khan Bahadur Colonel Abdul Majid Khan, Foreign Minister, Patiala State;
(18) Saiyid Ali Inam, Esq., Barrister-at-Law, Bankipur, Patna (Behar);
(19) Shaikh Abdul Kadir, Esq., B.A., Barrister-at-Law, Delhi;
(20) Maulvi Nizam-ud-din Hasan, B.A., LL.B., Deputy Commissioner, Central Provinces;
(21) Maulvi Abdul Majid, Esq., Barrister-at-Law, Allahabad;

and many other distinguished graduates of the Indian Universities who are in the Government service as Deputy Collectors and Extra Assistant Commissioners.

It may also be pointed out that on the one hand the Truestees are frequently in touch with the "*Visitors*" of the Aligarh College, among whom are included such names as—

(1) His Highness Nawab Sahib of Rampur;
(2) His Highness Sir Agha Khan, G.C.S.I.;
(3) the Hon'ble Justice Amir Ali, C.I.E.;
(4) the Hon'ble Mr. Theodore Morison;

and with the Heads of the Governments and high officials, and on the other, through the operations and annual meetings, at various centres in India, of the All India Muhammadan Educational Conference, which is a part of the Aligarh movement, they come in direct and constant contact with all sections and classes of Musalmans in widely distant portions of the country.

Thus the Trustees believe they are justified in regarding themselves as a thoroughly representative body, recognized as such both by the Government and the Muhammadan community as a whole and they therefore trust that the privilege they have prayed for will be granted to them.

But the Trustees wish it to be clearly understood that they do not prefer this claim merely as managers of an educational institution, but rather in their capacity of directors and organizers of the "Aligarh movement," which comprehends many important interests of the community. Their work as managers of the Muhammadan Anglo-Oriental College is only a part (regulated by fixed rules and regulations) of what Sir Saiyid Ahmad Khan did and they themselves have been doing ever since the beginning of this movement. The body of the trustees consists practically of all the leaders of the community in various parts of the country, and the fact of their connection with the great trust at Aligarh must not be allowed to deprive them of their position as representatives of their co-religionists in matters other than educational.

The suggestions made by the Trustees, would, if accepted, necessitate an increase in the number of the members of the Imperial Council: but considering the extent or the country and the importance and varied nature of the interests involved, it may be submitted that any such increase would be amply justified by the nature of the case.

V.—Electorate for the election of Muhammadan members for the Imperial Council.

It has been suggested above that the eight provinces and the trustees of the Muhammadan Anglo-Oriental College, Aligarh, as a body, should be given the right of returning one member each to the Imperial Legislative Council. So far as the election of the representative of the Trustees is concerned, they, as a corporate body, would constitute the electorate and, by a majority of votes, elect one of their members as their representative.

As regards electorates for Muhammadan non-official members from each province the Trustees beg to suggest the following constitution for such electorates:—

(*a*) Muhammadan non-official members of the Provincial Legislative Council.
(*b*) Muhammadan follows of the Provincial University, and in the case of the Central Provinces and Burma those fellows who represent these provinces in any of the Provincial Universities.

(*c*) Muhammadans paying a land revenue of Rs. 10,000 per annum.

(*d*) Muhammadans paying income tax on Rs 10,000 per annum.

(*e*) The Trustees of the Muhammadan Anglo-Oriental College permanently residing in the province concerned, if there be any.

The first four of the above five heads do not call for any remark as they are based upon the suggestions of the Muhammadan deputation to His Excellency the Viceroy. The Trustees have ventured to suggest the reduction of the amounts of land revenue and income tax payable by electors in view of the present financial position of many of the Muhammadan aristocray, and in order to make the Council more representative.

The fifth head has already been explained above when explaining the position the Trustees occupy in the community and the extent to which they are competent to represent their best interests. By including the Provincial Trustees in the proposed electorates, the Government will have the advantage of consulting, so to speak, the united voice of practically the whole community in the election of provincial representatives for the Imperial Council.

VI.—The proposed changes in the constitution of the Provincial Legislative council.

After a careful consideration of the needs and requirements of the Muhammadans of these provinces, the Trustees beg to suggest that Muhammadan inhabitants of each division should be given the right to elect one Muhammadan non-official member of the Provincial Legislative Council from among themselves.

In addition to the above, the Trustees pray for a similar privilege for themselves, that is to say for the right of electing one of themselves as a member of the Provincial Legislative Council. In connection with this suggestion it may be stated that of the total number of seventy Trustees of the Muhammadan Anglo-Oriental College, Aligarh, thirty are elected from among the Muhammadans of these provinces alone, the rest being distributed throughout the other parts of India.

So far as the Muhammadans of the United Provinces are concerned, it would be difficult to find for them another body of men so influential and representative as the Provincial Trustees of the college.

As regards the claim of one Muhammadan member for each division, it may be respectfully submitted that, the Muhammadans being in the minority in these provinces, their needs and wishes require special study and thorough local knowledge to be successfully placed before the Government.

It is true that these suggestions, if accepted, would necessitate the increase in the number of members of the Council, both official and non-official, but the object to be gained is, in the opinion of the Trustees, of sufficient importance to justify such an increase.

VII.—Electorate for the election of Muhammadan members for the Provincial Legislative Council of these provinces.

In this connection it would be better to begin with municipal and district board franchise. The Trustees are of opinion that in each municipality and district board the number of Muhammadan members should be fixed, and they should be returned by Muhammadan electors residing in any particular municipality or within the limits of a district board.

The Trustees suggest that the qualification for electors should remain the same as at present, and that a rental or an income of Rs. 10 a month should be required as a qualification for a candidate for membership of the municipal board ; and in the case of district boards payment of Rs. 100 as land revenue should be necessary as a qualification for the membership.

Thus the electorate for non-official Muhammadan members of the Provincial Council should consist of the following :—

(1) Muhammadan members of municipal and district boards.

(2) Muhammadan fellows of the Allahabad University.

(3) Muhammadan graduates of the Allahabad University of five years' standing residing in these provinces.

(4) United Provinces Muhammadan landholders paying Rs. 3,000 as revenue.
(5) Muhammadan gentlemen paying income tax on Rs. 3,000 a year.

No. 461, dated Ramnagar, the 30th November 1907.

From—His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G C.I E, *of Benares,*

To—Agent, Governor-General, Benares.

Sir,—I have the honour to acknowledge receipt of your letter no. 5/I—83, dated the 21st ultimo, forwarding copy of G. O. no. 1560/III—416-1907, dated the 10th October 1907, inviting my opinion about the proposed Advisory and the enlargement of the Legislative Councils. I have very carefully considered the proposals and take the liberty to express my opinion about them as follows.

2. First, as to the creation of an Advisory Council :—

From the preamble given in the letter of Sir Harold Stuart I find that His Excellency the Viceroy is introducing this reform with a view (*a*) to associate the ruling chiefs, big landholders, and commercial classes who are the most powerful and stable elements of the Indian society, more closely with the actual administration of the country; (*b*) to know the real needs and sentiments of the people through their natural leaders and make the true motives of the Government known to the masses of the people through the same agency; (*c*) to encourage the aristocratic and other important classes to take larger share in the actual work of administration and make them fit for more extensive employment in the higher offices of the State, subject, of course, to the proviso that the executive authority of the Government is maintained in undiminished strength. In the light of the above-quoted principles I would examine the concrete proposals made for the establishment, constitution, and working of this Council.

3. There can be no two opinions as to the advisability of associating the great ruling chiefs and the territorial magnates of British India with the Governor General in the guardianship of the common and imperial interests; and at the same time it is also very necessary that they be not vested with any formal power or receive a legislative recognition. By being thus bound down the Council will lose the great object for which it is established, as the freedom of expressing ideas and opinions will be hampered by other considerations and the healthy, frank, unrestrained, and unprejudiced opinion will not be coming forth.

4. I fully agree with the Government in the seven conditions laid down for the creation, nomination and working of the Council, with one exception only, which is as follows :—

I would not bind down the Council to deal with such matters only as might be specifically referred to it from time to time. If the councillors are responsible to inform the Government of the true needs and sentiments of the people and to make known to the latter the real motives of the Government, they might be authorized to communicate to His Excellency the Viceroy any matter of sufficient importance even without being asked for and at the same time express their opinions about them. Similarly they might be empowered to ask the Government confidentially about such subjects and measures which, in their opinion, were likely to give wrong impression to the people. Until these two important privileges are granted, the councillors will naturally fall short of the expectations formed of them, and they will not take the trouble to keep themselves informed of the real needs and sentiments of the people, and will remain only a set of irresponsible advisers. The grant of these powers will make them mindful of the confidence which the Government was reposing in them and they will try to prove themselves worthy of it. By this means the Government will be in a position to know much more of the people and the people much more of the Government, and the Viceroy will receive very timely notice of many a momentous subject agitating the public mind, which sometimes these days he receives rather too late; and the people will at the same time know without any fuss what was the true

motive of the Government regarding any particular measure. Of course the Government shall reserve to itself the power to refuse to give information regarding any matter which, in its opinion, it will not be in the public interest to disclose.

5. In this way there will be a continuous free and confidential interchange of ideas and opinions between the Head of the Government and the leaders of the people, which will very effectually bridge the great gulf that lies between the rulers and the ruled just at present.

6. I would also propose that all correspondence passing between the councillors and the Government be recorded confidentially for use if need were, and their opinions about all matters be carefully noted down, although the Government shall not be bound to follow them. It will also be very beneficial if, before introducing a bill in the Legislative Council, the Government might consult these councillors about the measure, subject, of course, to the proviso that the matter is not of a sufficiently urgent nature which would admit of no delay.

7. As to the composition of the Council I agree in the proposal to have it composed of ruling chiefs and territorial magnates, but I would like to include in it such other persons of note who, although neither ruling chiefs nor territorial magnates, are still looked upon by the people with equal, if not greater, respect, and who know much more of the country and wield greater influence over the people than the princes themselves. I would also associate with them some of the merchant princes and the pioneers of commerce and industry, who are no less a powerful and stable element of the Indian society. Such, for instance, His Highness Aga Khan is neither a ruling chief nor a territorial magnate, but his influence amongst his people and the respect which he commands in the country far exceed those which a ruling chief possesses. The late Sir Sheshadri Iyer of Mysore, the late Sir Saiyid Ahmad Khan, Baba Khem Karan Bedi of the Punjab, and many others might be so instanced. Persons of their influence and parts would be real acquisitions to the Council. Similarly such merchant princes as the late Jamshedji Jeejeebhoy or Sir David Sassoon, and such pioneers of industry and commerce as the late Mr. Jamshedjee N. Tata of Bombay or Messrs. Cooper and Allen of Cawnpore, would add to the weight of the Council and its usefulness. I would therefore propose that from out of the total number of sixty, fifteen seats be allowed to ruling chiefs and twenty-five to territorial magnates in British India, five to noblemen in native states, eight to merchant princes and pioneers of industry and commerce (both native and European), and seven to specially qualified persons of note. The last might be elected by the aforesaid fifty-three members and appointed after the approval of the Governor General.

8. As to the Provincial Advisory Council, I agree to all the proposals made, subject to the modifications suggested, as to their functions in the case of the imperial councillors. I would also not have a Government official presiding over their deliberations or a Government secretary recording their proceedings and conclusions. I would leave them free to choose their president and secretary, as free discussion will not be possible in the presence of Government officers. Of course a Government secretary ought to be close at hand for the purpose of furnishing such information as might be required regarding the matters under discussion.

9. As to the enlargement of the Legislative Councils, I fully agree with the statement that the elective system introduced into it did not fulfil the expectations formed. The more respectable classes whose opinions would have been of value to the Government and whose interests were affected by the different measures passed, were left in the dark, and their places were taken by the people who had nothing to recommend themselves except the fluency of the tongue. Both the head and the hand had to give way to the lungs.

10. The objects of the Government of India in enlarging these Councils appear to me as follows :—

(*a*) To give the people of India more voice in the administration of the country.

(*b*) To give due representation to all important classes, crafts, and creeds in the Council and to see that it is not monopolized by a particular section or class.

(*c*) To introduce the elective element in the administration of the country so far as it is compatible with the safety of the interests of the different societies and creeds of India.

(*d*) To encourage the aristocracy of the country, who stand shy just at present to enter the public life and take part in its actual administration ; subject to the condition that

(*e*) The official majority be strong enough to carry out important measures which otherwise might be hampered by the non-official members.

There can be no divergence of opinion about the soundness of the above principles, but it is necessary to see how they would stand the test of actual working.

11. I fully admit the fact that it is not advisable in any case to leave the legislative business of the Government of India at the mercy of the non-official members, and specially with such members as have filled the post till now. But at the same time it is a pity to sever specially experienced and talented Government officials from their work and coop them up in Calcutta during the most important part of the year, for the purpose of simply serving as a counterpoise to the non-official members and to counteract the evil of their adverse votes. This, in my opinion, will not be in the true interest of the country. Such officers of the Government as will be chosen to sit in the Legislative Council will, in most cases, be the cream of the service, and it will be a bad policy to enlist them in a corps of sinecures to simply attend certain meetings in a year and " ditto " the proposals of the Government. The opinion of such officers is necessarily taken before any important bill is introduced in the Council, and it is not necessary to drag them once again to Calcutta at great personal inconvenience and no less expense, what to say to the detriment of the public service, simply to approve of the measures to which they have already given their assent.

12. There is really no good in enlarging the Legislative Councils when its composition will cause so much difficulty, The enlargement of the Councils is intended to be of real benefit to the country and is not intended to honour the few political agitators. The Council is also expected to be a working council and not simply an advisory council. As the matter stands just now the non-official members know full well that they will not be able to carry out any measure in the Council, and that any matter, however objectionable in their opinion, will certainly be carried out if the Government so desires. This feeling makes the non-official members feel that they are only a set of irresponsible advisers and their post is really an honorary one. They have no sense of responsibility weighing over them, and the result is that we have much more light talks in the Council which would never be forthcoming if the members were weighed down with a sense of responsibility. They know that their action can have no effect upon the actual administration of the country, and so they prefer to talk whatever is uppermost in their minds.

13. The scheme proposed for the enlargement of the Councils will give satisfaction to no party and will not improve the usefulness of the Council. I would therefore propose a bold scheme which, if carried out, would, in my opinion be hailed with unmixed satisfaction throughout the country and would be a measure of real benefit to the people and would pave the way for further progress and reform in future.

14. I would leave the composition of the Council as proposed in the draft scheme as it is, but cut down the number of official additional members from twenty to seven. One officer from each province will be quite sufficient to watch its interests. There will thus be fifteen officials and twenty-five non-official members, and the total strength of the Council will be forty or, including the Viceroy, forty-one. All measures except the following, which should be scheduled together, might be permitted to be carried out by a majority of votes, subject to the very material safeguard that the Viceroy shall have the power of vetoing any such measure passed by the Council which, in his opinion, might not be in the public interest. The Viceroy should also have the power to dissolve the Council before time if they prove unworthy of their office.

15. The measures which I would exclude from being carried out by a majority of votes and would like to be put in a schedule would be the following :—

(*a*) All measures relating to military administration.

(*b*) All measures relating to sedition or disaffection.

(*c*) All measures affecting any religion.

(*d*) All measures affecting the fiscal arrangements of the country.

(*e*) All measures regarding the imposition or remission of taxation.

(*f*) All measures tending to affect the executive authority of the Government or interfering with administration or of political nature.

(*g*) The framing of the budget.

(*h*) Any other measure which, in the opinion of His Excellency the Viceroy, might be put in the schedule.

For these scheduled measures I would make it legal for the vote of each official member to be counted as two. In this way there will be thirty-two votes for the sixteen official members including the Viceroy, and as there will be only twenty-five non-official members there will be a clear majority of seven on the official side. As the members will prove themselves worthy of the confidence reposed in them, some of the above-named measures would be taken out of the schedule list. I am inclined to believe that this will be a real education for the people of India in the art of administration. The whole tone of non-official members will be changed for the better in no time and the administration of the country will be immensely improved and facilitated.

16. But in case the Government is not prepared to sanction this scheme and would adhere to the principle of numerical official majority and at the same time must enlarge the Council, I would propose to allot seven places out of the twenty places to be filled with officials under the head " B " from the seven principal provinces of India, and the remaining thirteen seats filled by Secretaries and Under Secretaries of the Government, who are always at the headquarters and can be easily summoned to attend the meetings of the Councils and vote with the Government without any great interruption to their regular works. I would strongly deprecate the employment of district and divisional officers of the Government for such purpose.

17. In the composition of the non-official members I have nothing to add except that I would expunge the words " not less than two to be Muhammadans " from the head " E." I fully agree in the view that Muhammadans are a very important element of the Indian society, and they must get a place in the Legislative Councils commensurate with their numerical strength and their high position. I would regard the four places reserved for them out of the twenty-two (excluding the ruling chiefs and the experts) rather too little. But it is possible that they might be returned in large numbers under the heads " B " and " C," and then it might not be necessary to nominate them under the head " E." I would therefore not place any restraint upon the choice of the Viceroy. He might nominate all four Muhammadans if necessary.

18. Now as to the electors for electing the landholders, I think it very desirable to have a provincial list of such electors numbering between 100 and 150. This will give an idea of importance and responsibility to the electors themselves and shall have a beneficial effect upon the guild. The actual amount of revenue giving the right to vote should be left to be determined by the Local Governments, as they would raise or lower the amount in view of the number o such landholders available in the province. These electors might assemble at the head quarters of their district and elect one of their members to be their representative. Representatives from each district would then assemble at the capital of the province and, under the presidency of the Commissioner of the place, give their votes by ballots for the candidates. The indispensable qualifications for a candidate ought to be (*a*) that he knows English language sufficiently to understand the proceedings before the Council (or in special cases is wealthy enough to employ a highly

educated secretary to translate all the proceedings for his considerations); (*b*) that he must be paying a land revenue to the Government not less than rupees ten thousand; (*c*) that he must be living in his own estate at least for six months in a year (an absentee landlord would be of no practical use to the Council). The above proposals will be very useful and will result in securing a man of proper stamp. If the election will be limited to the non-official members of the Provincial Councils it will be of very little use and will not serve the purpose which the Government has in view.

19. As for the election of the Muhammadan representatives in the Council, it is wholly undesirable on more grounds than one to have an all India electorate for the election of Muhammadan candidates. The proposals put forward by the prominent members of the Muhammadan deputation which waited on His Excellency the Viceroy in October 1906 seems to be very workable with some modifications, *i.e.*, the Muhammadan non-official members of the Provincial Councils, the Muhammadan fellows of the local Universities, the Muhammadans paying income tax upon an annual income of not less than Rs. 20,000, and Muhammadan landholders paying Government revenue of Rs. 20,000 and upwards might be asked to return one member for the Imperial Council. Two provinces in rotation will thus return two members every two years. The Punjab and the United Provinces, the Bengal and the Eastern Bengal and Assam, Bombay and Madras, might return members alternately, and the Viceroy's nominee in case of necessity might be chosen from the other provinces which don't return members that year, and if need were, he might nominate one from each of the four remaining provinces if the Muhammadans are not sufficiently returned under other heads.

20. As to the Provincial Legislative Councils, I have nothing to add to the Government proposal, which seems very well considered. I have, however, to point out one thing. It proposes that the distinction of classes, such as landholders, traders, cultivators and artizans, should be made in the case of Hindus only, and the Muhammadans might be returned as one class. This ought not to be done, as the Muhammadans of the present day are as much divided into such classes as the Hindus. The weavers of Benares are a very important class in themselves, and so are some other classes also. I would therefore agree with the latter proposal of the Government, *i.e.*, simply forming electoral groups on the basis of the four classes specified above, without regard of creed and fixing for each group a distinct and appropriate franchise. And if Muhammadans be not sufficiently returned then, the omission might be supplied by nomination.

21. As to the discussion of the budget, I have nothing to add to the Government proposal, which seems all that is desirable in the present state of the country.

I hope the above proposals which I have taken the liberty to express will meet with the approval of the Government. I have very frankly given my opinion on the Government proposals, and, though this letter has become unduly large, I hope you will excuse me for it as I had to express my ideas as fully as I possibly could.

Dated the 31st December 1907.

From—The Hon'ble Raja Muhammad Ali Muhammad Khan,
Khan Bahadur, *Talukdar of Mahmudabad, Oudh,*

To—Chief Secretary to Government, United Provinces.

Sir,—I beg to acknowledge the honour done to me by your letter no. 1518/III—416, of 1907, dated Naini Tal, the 7th of October last, which has afforded me the opportunity of laying before the Government my views upon the important proposals of reform there referred to. I am glad to avail myself of this opportunity, and hereby submit my humble opinions for the consideration of the Government as briefly as possible.

The first point noted in the letter under reply is the constitution of the Provincial Advisory Council. The number of members proposed by His Honour for this council will, I think, meet general approval, but, having regard to the principle adopted by

the Government of India in their letter of which a copy has been forwarded to me, a certain minimum number is also required to be fixed for Muhammadan members, and I am strongly of opinion that this number should not be less than eight. With this qualification I would suggest that the 24 members of the said Council should be made up as follows :—

2 Ruling chiefs.
3 Talukdars of Oudh.
4 Landholders of Agra.
1 Landholder of Oudh.
1 Representative of Allahabad University.
1 „ Muhammadan Anglo-Oriental College, Aligarh, trustees.
1 „ the legal profession of Agra.
1 „ „ „ Oudh.
1 „ the Chamber of Commerce.
1 „ Indian mercantile community.
1 „ the banking community.
1 „ railways.
2 Representatives of municipal boards.
2 „ district boards.
1 Representative of non-official European community.
2 Representatives of minorities or other interests which may, in the opinion of the Local Government, require to be safeguarded.

With regard to the qualifications of the members of the Provincial Advisory Council, I am inclined to think that no one should ordinarily be eligible unless he pays Government revenue amounting to rupees six thousand or income tax on a like amount (or perhaps also) if the aggregate of his revenue and the taxed income amounts to the said figures.

I may also mention that, in my opinion, the term of office of the members of this Council should be the same as that fixed for the Imperial Advisory Council.

As to the number and composition of the non-official portion of the Provincial Legislative Council, I believe the suggestions of His Honour would satisfy all reasonable requirements of the present if only in one respect it is slightly modified. I refer to the case of the Muhammadan community, and I would suggest that of its two representatives proposed to be nominated by Government one should be nominated on the recommendation of the trustees of Aligarh College.

With reference to the municipal and district boards I am of opinion that these electorates do not require any alterations. The circumstances of each municipal and district board will have to be separately considered, and no rule can be satisfactory which fixes a uniform standard of qualification either in all municipal boards or even in all the district boards. I therefore think it would be better to retain the existing franchise for both municipal and district boards.

Then with regard to the qualifications of candidates for the board, I understand that in municipal boards there is already a distinction made between the qualifications of electors and of candidates, and no alteration of general application appears to be called for in this respect. But for district board, where no such distinction is observed, I am of opinion that the following qualifications should be fixed for candidates to district board :—

(1) Honorary magistrates, honorary munsifs, and village munsifs having jurisdiction in the district.
(2) Landholders paying Government revenue amounting to not less than Rs. 500.
(3) Under-proprietors in Oudh and tenants at fixed rates in Agra paying rent amounting to not less than Rs. 500.
(4) Residents outside municipalities.

Again, with regard to the representatives of the municipal and district boards on the Provincial Legislative Council, I am of opinion that a residential qualification is not needed, but no candidate should be eligible for such seats unless he pays a Government revenue of not less than Rs. 3,000 or income tax on a like amount or the aggregate of his revenue and taxed income amounts to not less than Rs. 3,000.

In conclusion, with the municipal and district boards, paragraph 22 of the letter of the Government of India suggest that Local Government should introduce into their system of election and nomination for these boards the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided. Having regard to this view, I am of opinion that for each district and municipal board a minimum number of seats should be reserved for Muhammadans, and that these seats should be filled by elections in which the Muhammadan electors alone take part (as was also suggested by the Muhammadan deputation), or by nomination in localities where, owing to smallness of Muhammadan population or other causes, it would be impracticable to have any Muhammadan electorate.

As to the Muhammadan electorate for the Imperial Legislative Council, the proposals of the Muhammadan deputation, referred to in paragraph 5 of your letter, with regard to the amount of land revenue and income tax the payment of which should form the qualification of an ordinary elector, seem to me to fix the limit at too high a figure. Even the limit of Rs. 10,000 which you seem to suggest does not appear to me to be sufficiently low to satisfy the needs and circumstances of the Muhammadan community. The qualification of a Muhammadan elector to the Imperial Legislative Council should not be higher than that required from a candidate for the Provincial Legislative Council. I would therefore suggest that the electorate should be formed from the four classes mentioned in paragraph 5 of your letter, with this modification that in respect of classes (*c*) and (*d*) the limit of land revenue and taxed income should be reduced to Rs. 3,000, which I have proposed for the candidates for the Provincial Legislative Council. To these four classes the Government might add a fifth corresponding with class (*b*) mentioned in paragraph 6 of your letter as under :—

(*e*) Muhammadan graduates of any Indian or British university of more than six years' standing.

An important question with regard to the Muhammadan electorate, however constituted and whether for the Governor General's Council or for the Provincial Legislative Council, is the method of carrying out the elections. It appears doubtful if it would be possible to collect together the whole electorate of a province in one place on the same day, and even if their votes could be properly taken at different places, the canvassing of votes would involve an amount of trouble and expense which few would be willing to undertake.

The Government of India obviously recognize this, as appears from the concluding part of paragraph 17 of their letter, but they provide what seems to me to be not an unpopular remedy, but one that hardly avoids the difficulty.

I am of opinion that the difficulty should be met by providing that, except the classes (*a*) and (*b*), the members of the other three classes, (*c*), (*d*) and (*e*), of the Muhammadan electorate should assemble at the headquarters of their division and should each elect one of their members to represent them, and these representatives (three from each division), together with all the members of the classes (*a*) and (*b*), could conveniently meet together for electing a councillor on behalf of all. If this suggestion is accepted I believe that the objection of Indian gentlemen of position to offer themselves as candidates to avoid electorate will be practically removed, and with it the reason as given in the said paragraph 17 of the letter of the Government of India for filling half the seats allotted to the Muhammadans by nomination instead of by election.

With reference to paragraph 6 of your letter I have already expressed my opinion on the points raised in the first two sentences. As regards a Muhammadan electorate for the Provincial Council I take the same view as that suggested in your letter with this exception that, in my opinion, for classes (*c*) and (*d*) the limit of land revenue and taxed income should be reduced to Rs. 1,000.

With regard to paragraph 7 of your letter I strongly feel that, having regard to the distinctive status which they occupy by reason of their unquestionable loyalty and

historic privileges, which the Government has always been pleased to accord to them, the talukdars of Oudh deserve that one of their members should at all times be on the Imperial Legislative Council.

For the landholders of the province of Agra I am of opinion that the Northern Landholders' Association is not sufficiently representative of the whole province, and the best thing would be to form an electorate by fixing property qualification. I would suggest that all landholders paying Government revenue amounting to not less than Rs. 5,000 should be entitled to elect a representative on the Imperial and Local Legislative Councils. As to the candidates for the Imperial Council, I think they should be landholders paying land revenue amounting to not less than Rs. 10,000.

Dated Aligarh, the 27th December 1907.

From—The Hon'ble Nawab Mumtaz-ud-daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., *of Pahasu*,

To—Chief Secretary to Government, United Provinces.

Sir,—In reply to your letter no. 1518/416-III of 1907, dated the 7th of October 1907, I beg to make the following suggestions regarding the matters referred to in the above letter :—

I.—Construction of Provincial Advisory Council.

In connection with this head the suggestions in Government of India's letter, paragraph 16, are to be followed, and therefore after considering the purposes for which the Council is to be organized I would suggest that the Council should consist of about thirty members and its composition may be as follows :—

1 Member nominated by the Allahabad University.

1 Member to be nominated by the Chamber of Commerce, Cawnpore.

1 Representative of the legal profession to be elected by the representatives of the various Bar Associations in the province.

6 Representatives of the six municipalities of towns, namely Allahabad, Agra, Benares, Cawnpore, Lucknow and Bareilly.

9 Representatives of the other municipal towns, one from each division.

3 Representatives of district boards—two for Agra and one for Oudh.

2 Representatives of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—one to be nominated by the Trustees of the Muhammadan Anglo-Oriental College at Aligarh, two by other Muhammadan anjumans, and one by Government.

2 Representatives of the non-official Europeans.

II.—Composition of the non-official portion of the Provincial Council.

The suggestion of His Honour the Lieutenant Governor in this respect is very fair and it requires no addition or alteration.

III.—Qualifications for electorate and candidates for seats in municipal board.

In addition to the condition already laid down for electors and candidates, I think that the standard of income of electors should be a little raised. No person should be eligible to vote unless he possesses property yielding an income of, or residing in a house of which the rent is not less than, five rupees a month. In the case of district board only one condition regarding the candidates should be attached—that he should either possess property of which the yearly revenue paid is not less than hundred rupees a year or he should pay income tax on an income of rupees five hundred.

I quite agree with the suggestion of His Honour the Lieutenant Governor in requiring the qualifications from the representatives of district and municipal boards on the Provincial Legislative Council.

In the case of the representative of the district board the amount of land revenue required should be not less than Rs. 5,000 a year, and in the case of the representative of the municipal board such amount should not be less than Rs. 3,000 a year.

I may further be allowed to say that in each municipality and district board there should be a fixed number of Muhammadan members to be elected by Muhammadan electors.

I have no suggestion to make in the electorate suggested in paragraphs 5 and 6 of His Honour the Lieutenant Governor's letter.

The electorate for the elected Muhammadan member of the Provincial Legislative Council :—

1. Muhammadan members of municipal and district boards.
2. Muhammadan fellows of the Allahabad University.
3. Graduates of the Allahabad University (of five years' standing residing in these provinces).
4. The landholders paying Rs. 3,000 Government revenue.
5. Other Muhammadan gentlemen paying income tax on Rs. 3,000 a year.

As regards the representation of Muhammadans of India in the Imperial Legislative Council, I have to submit that the numbers of Muhammadan members in that Council should be eight, one member to be elected from each of the following provinces :—

1. Province of Eastern Bengal and Assam.
2. Bengal.
3. Punjab.
4. United Provinces of Agra and Oudh.
5. Bombay.
6. Madras.
7. Central Provinces and Berar.
8. Burma.

The electorate should be constituted on the lines similar to those suggested in the case of Provincial Legislative Council and increase to be made in the amount of land revenue and income tax paid by the elector.

Electorate to elect the representative of the landholders of Agra in the Provincial Council.

As there is no such association of landholders in the province of Agra as there exists in Oudh, therefore the electorate to elect the representative of the province of Agra should consist of all landholders paying rupees 10,000 (ten thousand) or above land revenue to Government.

I think no other qualification is necessary for such a representative except that he should be elected by the majority of landholders forming the electorate.

Dated the 27th December 1907.

From—The Hon'ble Raja Partab Bahadur Singh, C.I.E., *of Kila Partabgarh, Oudh*,

To—*Chief Secretary to Government, United Provinces.*

Sir,—I have the honour to acknowledge your letter of the 7th October last, jointly addressed to me and the Hon'ble Rai Sri Ram Bahadur, C.I.E.

The first point upon which I have been asked to submit my opinion relates to the constitution of the Provincial Advisory Council. His Honour has fixed the number of this council at 25. But having regard to the scope of the Provincial Advisory Council, which should be large enough to include the great landholders, smaller landholders, industry, commerce, capital and the professional classes, it is submitted with great respect that the number fixed is low. It may suitably be raised to 30. Out of these 30 seats 10 seats may be allotted to Oudh and the remaining 20 seats may be assigned to the province of Agra. The Imperial Advisory Council will consist of 40 great landholders out of a total number of 60. There are altogether eight provinces into which British India is divided.

Calculated roughly, five Imperial advisory councillors may be chosen from the United Provinces, although it is quite possible a larger number may be taken. But it is always safe to base our calculations upon the minimum number to which our province may be entitled. Five provincial members of the Imperial Advisory Council will form the nucleus of the Provincial Advisory Council. These five gentlemen will

represent the great landholders. Out of these five two may be allotted to Oudh and three to Agra. Ten seats to be allotted to Oudh may therefore be filled in this way :—

1.	Provincial Imperial advisory councillors representing the great talukdars of Fyzabad and Lucknow divisions	2
2.	One talukdar, and one smaller landholder paying a Government revenue of at least Rs. 2,000 a year of the Lucknow division	2
3.	One talukdar, and one smaller landowner paying a Government revenue of at least Rs. 2,000 a year of the Fyzabad division	2
4.	Representative of lawyers	1
5.	Representative of capitalists	1
6.	Representative of commerce	1
7.	Representative of industry	1
	Total ...	10

Oudh being essentially an agricultural province, the number of landholders to be selected for the Provincial Advisory Council may suitably be fixed at six.

To represent the Bar any lawyer of fifteen years' standing and of requisite status and experience may be selected.

To represent capital, commerce, and industry any gentleman standing for those interests, provided he is of the age of majority and pays income tax upon an annual income of Rs. 5,000, may be appointed.

In the same way twenty seats assigned to Agra may be filled as below :—

1.	Ruling chief	1
2.	Provincial members of the Imperial advisory council representing the great landholders	3
3.	Seven smaller landholders, one from each division, paying a Government revenue not less than Rs. 2,000 a year	7
4.	Lawyers	2
5.	Representatives of commerce	2
6.	Representative of industry...	2
7.	Representative of capitalists	2
8.	One European member of the Upper India Chamber of Commerce ...	1
	Total ...	20

The qualifications for lawyers and representatives of other interests should be the same as have been suggested for Oudh.

The second point relates to the constitution of the Provincial Legislative Council.

Under the existing regulations there are only eight non-official members of the Provincial Legislative Council. His Honour proposes to raise that number to 17. I have examined the existing franchises as well as those suggested by His Honour with some diligence and care. But to my great regret I find that they are not sufficiently elastic to give the widest representation to the different classes and interests which require to be represented. Take, for instance, the existing groups of municipalities, which will remain unchanged under the scheme laid down by His Honour. Can the interests of Rae Bareli or those of Gonda or Bahraich be sufficiently represented by a member of the municipality of Saharanpur, who may be elected to represent those interests under the present arrangement? A difficulty is also experienced in canvassing by the candidate before so large an electorate with a greater portion of which he is quite unfamiliar. To be brief, such an electorate is open to all objections which are enumerated with sufficient clearness and precision in paragraph 15 of the letter of the Government of India, which you have been kind enough to enclose with your letter. The same objections hold good in respect of the present groups of the district boards. And it is apprehended that His Honour's proposals which give one seat more to the district boards will not solve matters to the fullest extent.

The right of special representation proposed to be given to the six large municipalities—Lucknow, Allahabad, Cawnpore, Bareilly, Benares, and Agra,—to elect two members in rotation, does not commend itself to my humble view. There does not

appear to be any necessity why the populations of those large towns should be honoured with this special privilege; which might involve other more urgent and important interests being ignored. Moreover, if the importance of those large towns calls for any special representation, it is open to this objection that at any rate in the four years out of any six successive years the interests of the two towns not allowed to elect in those years by the rotation rule will go unrepresented.

The suggestion has been made that in the Provincial Legislative Council a certain number of seats may be assigned to Muhammadans in order that they may be filled exclusively by them. The principle of this rule is also open to objection.

It will tend to widen the gulf between Hindus and Muhammadans, which is not desirable. The necessary result of this rule will be that in other electorates an attempt will be made not to return Muhammadan candidates. And the Muhammadans themselves will feel great diffidence of offering themselves as candidates before other electorate. It may also create the desire of having special privilege of representation in other small communities, whose interests may be slightly different from those of the community in general. In this way the Christians, the Sikhs, the Jains, the Parsis, and several other communities that may be named, may claim for this privilege. The idea may go on diffusing as widely as possible, until it may stop one does not know where.

With these preliminary observations in view I proceed to formulate my own proposals for the constitution of the Provincial Legislative Council.

The United Provinces Legislative Council may consist of 54 members, out of which 26 may be non-officials, who may be appointed as below :—

1.	Representatives of district boards (one from each division) to be elected	9
2.	Representatives of municipal boards (one from each division) to be elected	9
3.	Representative of the Senate of the Allahabad University to be elected	1
4.	Representative of the Upper India Chamber of Commerce to be elected	1
5.	Two representatives of landowners (one for Oudh and one for Agra) to be elected	2
6.	To be nominated by the Government	4
	Total ...	26

It may in the first sight appear that the above number, viz. 26, of the non-official members would create difficulties in securing the majority of the official members, but the following distribution easily solves the apparent difficulty.

The official members may consist of the following :—

1.	His Honour the Lieutenant Governor	1	
2.	Members of the Board of Revenue	2	
3.	Secretaries to the Government	4	
4.	Legal Remembrancer and Government Advocate	2	
5.	Nine Heads of departments—		
	Director of Agriculture and Commerce		
	Inspector-General of Civil Hospitals		
	Registrar, Co-operative Credit Societies		
	Director of Public Instruction		
	Inspector-General of Prisons		
	Sanitary Commissioner		10
	Chief Plague Officer, United Provinces of Agra and Oudh		
	Inspector-General of Police		
	Inspector-General of Registration and Commissioner of Excise and Stamps		
	Director of Industry (new post)		
6.	Commissioners of divisions	9	
	Total ...	28	

Gentlemen paying income tax or paying at least Rs. 1,000 per year as Government revenue may be appointed electors to elect representatives of district and municipal boards.

The candidate for the Legislative Council must be a gentleman paying income tax upon an annual income of Rs. 2,000 or annual land revenue of Rs. 2,000. But the rule may be relaxed by the Government in favour of any gentleman of special qualifications upon the unanimous recommendation of the electors concerned.

The proposal of the Government that a representative of the talukdars of Oudh may be nominated by the British Indian Association appears to be sound.

The proposal that an electorate for the province of Agra to elect a representative of landowners may be formed consisting of landowners paying Government revenue of Rs. 10,000 per year is perhaps open to this objection that it imposes a very high qualification, not in accordance with the status of the landed interests of all the divisions of that province. In fact there are certain districts in the province of Agra where there is not a single landowner paying a Government revenue of Rs. 10,000. Therefore it may reasonably be reduced to Rs. 2,000.

The proposal of His Honour that the representatives of landowners in these provinces on the Imperial Legislative Council might be taken alternately from Agra and Oudh is an excellent one.

As regards their qualifications I would humbly suggest that in order to give a wider scope for representation the amount of Government revenue paid by them may be fixed at Rs. 2,000 a year for Agra and for Oudh a talukdar member of British Indian Association will suffice.

Dated Lucknow, the 26th December 1907.

From—The Hon'ble Rai Sri Ram Bahadur, C I.E., *Member, Legislative Council, United Provinces,*

To—Chief Secretary to Government, United Provinces.

Sir,—I have the honour to acknowledge the receipt of G. O. no. 1515/III—416, dated the 7th October 1907 (with its enclosure), and of G. O. no. 1571/III—416, dated the 13th idem, asking for my views on the proposals for the establishment of an Advisory Council for these provinces and the expansion of the Provincial Legislative Council. I beg to submit my views on these two subjects as follows :—

Provincial Advisory Council.

2. The first question relating to the constitution of the Provincial Advisory Council is the fixing of the number of its members. His Honour the Lieutenant Governor considers that the number of the members may be fixed at 25. Regarding the numerical strength of these councils the Government of India, in paragraph 6 of their Home department letter no. 2310/2317, dated the 24th August 1907, say : "Membership should be large enough to embrace all interests of sufficient importance to claim representation on them." As the object of establishing these institutions is to " elicit the opinions on administrative measures and proposals for action of those qualified to advise " the Government " in all ranks of society " and " of giving the people of India wider opportunities of expressing their views on administrative matters," the Government of India in their letter above alluded to very appropriately say further that the selection of members should be so made as to represent not only the great landholders of the provinces, but also " smaller landholders, industry, commerce, capital, and professional classes."

3. The territorial area which is officially designated the United Provinces has for its population a conglomeration of peoples, inhabiting its different tracts who have dissimilarity not only in customs, languages and land tenures, but also in local sentiments. Except religion, there is very little in common among peoples of Bundelkhand, Kumaun, Oudh or other portions of the province of Agra. This diversity exists even among the people of the different divisions of the last-named province ; take, for example, the population of the Benares and that of the Meerut division. With respect to population the United Provinces now occupy the first place among all the provinces of India, the number being 47,691,782. Having regard to the principles laid down by the Government of India regarding the constitution of the Provincial Advisory Councils and the peculiar circumstances of these provinces, it is respectfully submitted that 25 is not an adequate number of members for the proposed Advisory Council ; the number should be fixed in such a way as to embrace the representation not only of the different classes and interests, but also of territorial units so that each division may be properly represented. This object cannot, in my humble opinion, be attained by limiting the number to 25.

4. In the paragraph immediately following I beg to offer my suggestions as to how the 25 seats proposed by the Government should be allotted so as to secure the representation of the different interests and classes, as far as it is possible to do so with such a limited number. This distribution does not, however, take into account the principle of territorial representation. In my opinion by raising the number to 35 and by readjusting the allotment of seats, proper territorial representation might be obtained.

5. If the number of 25 be retained I would suggest that the selection of members should be made as indicated below :—

From ruling chiefs	2
From talukdars and landholders of Oudh	4
From landholders of the province of Agra	4
From non-official Europeans, districts of Agra	2
From non-official Europeans, districts of Oudh	1
From municipalities of Agra and Oudh respectively	2
From Upper India Chamber of Commerce	1
From Indian merchants	1
From Allahabad University	1
From bankers and capitalists of Agra and Oudh	2
From Indian Bars of Agra and Oudh	2
From mill owners and other industries	1
From other such communities and classes whom the Government may consider that they should be represented	2
Total ...	25

6. Neither the Government of India's letter nor the Government order does give any indication of the weight to be attached to the advice of the members of the Advisory Councils. I venture to suggest that in laying down the principles on which the rules for regulating the procedure for these Councils are to be framed there should be a distinct provision to the effect that, in case the opinion of a fixed majority of the members, say two-thirds, is unanimous on a certain question, then, notwithstanding the fact that that opinion be in conflict with the official view, the Government should accept the unanimous view of the majority. Unless some rule as indicated above is made and is followed by the Government the Councils will not be of much practical usefulness.

Expansion of the Provincial Legislative Council.

7. The Government order proposes to raise the number of non-official members to 17. The Government, it appears, wishes to fix this number not from any desire to have only a comparatively small number of non-official members, but on account of the difficulty which it feels in getting a larger number of official members of requisite qualification and sufficient experience to attend the council meetings without detriment to the interests of the public service, the avowed policy of Government being to have a preponderance of the official over the non- official element at all the council boards. Though in my humble opinion the number of non-official members as proposed by the Government is inadequate for a province like ours, having such a large population who have different manners and customs and interests of various natures, yet having regard to the policy which the Government pursues in having the official majority, I refrain from suggesting an augmentation in the non-official element.

8. Coming now to the question of representation of the different communites and bodies, I find that the Government proposal is to give four seats to the municipalities of these provinces. Two of these seats are to be filled by representatives of the six larger towns having a population of over 100,000, two of these towns each to have a representative for a term of two years. The other two seats are contemplated to be allotted to the representatives of two groups, to be formed of smaller municipalities having a population of over 20,000 and of the four towns of over 100,000 inhabitants not represented. I respectfully beg to say that, in my opinion, the allotment of seats to the municipal boards as set forth above appears to be open to several objections. I have always considered the groupings at present in force not to be

proper ones. The proposal to give to only two out of the six larger municipalities the franchise of electing one representative each and leaving the other four to be joined with the groups of minor municipalities is open to this objection that the two former towns will, as a matter of certainty, be directly represented, while the latter four will be grouped with a number of minor municipalities and have the mere chance of getting one of their citizens elected. They will remain under this disadvantage until their turn comes to return representatives individually. As regards the proposal of grouping together of the four larger towns and the smaller municipalities into two constituencies, I beg to submit that it does not seem to me to be a suitable arrangement. The principle which, in my opinion, ought to be observed in forming the constituencies should be that the electorates be constituted of tracts inhabited by persons who have some homogeneity, community of interest and unity in local sentiments. It can hardly be said that the system at present in force is based on a due consideration of the principle of proper representation. I therefore beg to suggest that, instead of the two different kinds of municipal representations indicated in the Government order under reply, all the municipalities having a population of over 10,000 inhabitants should be formed into four separate groups, each of which should include the municipalities of two divisions, as indicated below, except the first group, to which the municipalities of the hill districts should also be added :—

I group	Meerut division.	
	Rohilkhand division.	
	Kumaun division.	
II group	Allahabad division.	
	Agra division.	
III group	Benares division,	
	Gorakhpur division.	
IV group	Lucknow division.	
	Fyzabad division.	

The four proposed seats should be allotted to the representatives of each of these groups. I admit that the grouping suggested by me is not free from objections ; but as the Government proposal limits the number of seats to four, I beg to urge that, in view of all the circumstances bearing on the question, my suggestion may receive due consideration. I subjoin below a list of the municipalities having populations of over 10,000 and classified according to the proposed groups :—

	Name of division.	*Names of municipalities.*
I group ...	1. Meerut ...	Meerut.
		Saharanpur.
		Aligarh.
		Khurja.
		Dehra Dun.
		Hardwar Union.
		Deoband.
		Muzaffarnagar.
		Roorkee.
		Kairana.
		Kandhla.
		Hapur.
		Sardhana.
		Ghaziabad.
		Bulandshahr.
		Sikandrabad.
		Hathras.
		Atrauli.
	2. Bareilly ...	Sikandra Rao.
		Bareilly.
		Nagina.
		Najibabad.
		Bijnor.
		Chandpur.
		Budaun.
		Sahaswan.
		Moradabad.
		Amroha.
		Sambhal.
		Chandausi.
		Shahjahanpur.
		Tilhar.
		Pilibhit.
	3. Kumaun ...	Kashipur.

	Name of division.	*Names of municipalities.*
II group	1. Allahabad	Allahabad.
		Jhansi
		Mau Ranipur.
		Lalitpur.
		Kunch.
		Kalpi.
		Cawnpore.
		Fatehpur.
		Banda.
	2. Agra	Agra.
		Firozabad.
		Farrukhabad.
		Mainpuri.
		Etawah.
		Kasganj.
		Jalesar.
		Soron.
		Muttra.
		Brindaban.
III group	1. Benares	Benares.
		Mirzapur.
		Jaunpur.
		Ghazipur.
		Ballia.
	2. Gorakhpur	Gorakhpur.
		Azamgarh.
IV group	1. Lucknow	Lucknow.
		Unao.
		Rae Bareli.
		Sitapur.
		Khairabad.
		Shahabad.
		Sandila.
		Hardoi.
		Lakhimpur.
	2. Fyzabad.	Fyzabad.
		Tanda.
		Balrampur.
		Gonda.
		Bahraich.
		Nanpara.
		Bara Banki.

9. As regards the question what would be a suitable electorate to elect a representative of the landholders of the province of Agra, I beg to say that as that province has no Landholders' Association, like the British Indian Association of Oudh, which consists of the representatives of the landholding classes of all its districts, I would suggest that in the first-named province the electorate should be constituted of the landholders of all the districts who pay a Government revenue of Rs. 5,000 or upwards. The franchise to elect a representative from among themselves should be given to that electorate. The qualification of payment of Rs. 10,000 annual revenue will be rather too high, and I do not think that in some of the districts zamindars paying revenue to that extent will be found. The qualifications for a candidate for election to membership should be the same as those for electors.

10. Respecting the qualification of the representative to be nominated by the British Indian Association of Oudh, I think that every member of the association should be eligible for nomination. No condition as to the amount of land revenue payable by the candidate should be imposed.

11. On the question of allotting four seats to the representatives of the Muhammadan community—two by election and two by nomination,—I beg to submit that the power of nomination by the Government should be exercised in case no Muhammadan member is elected or nominated by the other bodies and electorates to whom the privilege of election or nomination is proposed to be given. If no Muhammadan member or members are returned by any other means Government should nominate one or two Muhammadan members to complete the full number of four and not otherwise.

12. Subject to the modifications suggested by me as above, I approve of the rest of the proposals contained in the Government order for the election or nomination of non-official members.

13. The subject of qualification to be possessed by the electorate to elect candidates for seats in the municipal boards is a very complicated and difficult one. According to the rules at present in force the qualifications both of voters and of candidates

for election as members vary in the different municipalities. The conditions of these municipalities are so different that no uniform test can be laid down with regard to the qualifications either of the voters or of the members. I would like that the existing franchise should be retained and no alterations made. In my opinion, except the residential no proprietary qualification should be required from representatives of the municipal boards, on the Provincial Legislative Council. The elective system was introduced for the first time in 1893, and the elections which have since then taken place in these provinces, so far as I know, have not been subjected to any criticism, nor have they ever been received with disapproval either by the public or by the Government.

14. There remains the question of qualification required from the electors and candidates for seats in the district boards. The way of the preparation of lists of electors now in vogue, especially the manner of fixing the number of electors, is very unsatisfactory. I consider the fixing of some proprietary qualification to be essential. Only those persons should be considered qualified to be voters or eligible for membership of district boards who are landholders and pay at least Rs. 300 a year as Government revenue or those who pay income tax on annual incomes of Rs. 1,200 or upwards. No special qualification except that of residence should be required from persons who are candidates for council membership.

Opinion of the Hon'ble Rai Nihal Chand Bahadur, *dated Muzaffarnagar, 17th December* 1907.

Imperial Advisory Council.

1. The motives which have actuated the Government of India to establish Advisory Councils and to extend the Legislative Councils for satisfying the constitutional requirements of the Indian Empire and giving the people wider opportunities of expressing their views on administrative matters, are noble and benevolent and the people are much thankful to His Excellency the Viceroy. But I cannot help pointing out that the scheme has not been framed on such liberal lines as the people expected, which was probably due to the late lamentable disturbances in Bengal and the Punjab. It was given out that some short-sighted persons advised the Government to give up the idea of extending the rights of representation to the people; but thanks to the Right Honourable Mr. Morley and His Excellency Lord Minto that they were not prevailed upon by such advices and drew up the present scheme to elicit public opinion. Since then certain circumstances have shown that these disturbances were not due to disloyalty of the people to the British throne, but that some irresponsible persons were at the bottom of them.

People now entertain high hopes and expect that by the time the scheme will be laid before His Excellency the Viceroy for final disposal, nothing will stand in the way of giving them their legitimate rights and privileges and the matter will be dealt with in a more liberal and statesmanlike spirit.

2. As to the fact that the people of India have sufficiently advanced to get wider opportunities of expressing their views on administrative matters the Government remarks :—" The reforms then introduced (by the passing of the Councils Act, 1892) comprising the enlargement of the Legislative Councils, the recognition of the elective principle, the admission of the interpolation and the free discussion of the budget were held to be justified by the spread of English education, by the increased employment of natives of India in the actual administration of the country and by the indubitable proof which they had given of their intellectual fitness for such employment," and that " the extent of the advance that has since taken place in the development of the educated classes can hardly be judged by statistical tests. But it may be mentioned that within the last 20 years the number of scholars studying English has risen from 298,000 to 505,000, whilst the number of students passing the annual Matriculation examination of the Indian Universities has increased from 4,286 in 1886 to 8,211 in 1905, and the number of Bachelor of Arts from 708 in the former year to 1,570 in the latter. During this period higher education has penetrated to circles which a generation ago had hardly been affected by its influence." It is further remarked " that for

the present at any rate the needs and sentiments of the masses of the people must find expression through those whether officials or non-officials who are acquainted with their daily life and are qualified to speak with authority on their behalf." And that "the Governor General in Council has been much struck by the difficulty encountered by the Government in India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them." Here I would like to say that in framing the scheme, the future progress in education that the Indian people are bound to make under the benevolent British Government should also be kept in view.

3. The Hindu law as well as the Muhammadan law and the established usages of the country have made it obligatory on the kings to consult the people on their affairs. The Government say :—"The traditions of oriental polity have always recognized that the Sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. . . . Accordingly all Indian Governments and all administrative officers in their respective positions have made it their business to elicit the opinions on administrative measures and proposals for action of those qualified to advise them in all ranks of society ; and this process will, of course, be continued. Such advice and opinion as are thus obtained are the indispensable foundation upon which good administration is built up, and the regular consultation of persons qualified to give them is part of the necessary procedure of Government."

4. Now the question arises, that if the old system of consulting people individually answers the purpose, why the new system of Advisory Councils is contemplated ; and if not, why it is to be kept up along with the Advisory Councils. The fact seems to be, that the old system of eliciting opinions is defective and should be improved.

5. The Government of India believe that the proposals submitted by them represent a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers, and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions." The Government remarks that "these are the provincial and tentative proposals and lay them before the public in the fullest confidence that they will receive the careful scrutiny and sympathetic consideration that their high importance demands."

6. The main features of the Advisory Councils as proposed are (1) that all the Members of the Advisory Councils are to be appointed by the Government, (2) the Council is to consist of the ruling chiefs and the territorial magnates only, (3) it will consist of about 60 members, (4) it will not be vested with formal powers of any sort, (5) its functions will be purely advisory and it will deal only with such matters as might be specially referred to it from time to time and (6) the proceedings of the Council will be private, informal and confidential and would not be published although Government would be at liberty to make any use of them that it thought proper.

7. I fail to understand how the objects in view can be attained from these Advisory Councils unless their scope is extended. With due deference to Government I beg to submit that these proposals require reconsideration and I beg to make the following suggestions which I hope, if approved by the Government, will make these councils really useful and more acceptable to the people.

8. Instead of the proposal that all the members of the Imperial Advisory Council would be appointed by the Government I would suggest that elective principles should not be ignored in these councils when even the district and municipal boards have been given that right if the number is to be kept 60, and 20 of them are to be ruling chiefs as proposed by the Government ; the rest 40, three-fourths *i.e.* 30 may be appointed by election from among the territorial magnates, landholding classes, industry, commerce, appointed by capital and professional classes and the remaining one-fourth *i.e.* 10 may be appointed by nomination.

The experience gained in England and other European countries as well as in India has been that the system of nomination is nowhere looked upon with favour. Before Lord Ripon's time there were district committees for education, dispensary and other branches of administration, the members of which were nominated by the district authorities, but they did not work satisfactorily. Lord Ripon then introduced the system of Local Self-Government and gave the people the right of election. That system has worked satisfactorily during the last 22 years and its utility has all along been recognized by the Imperial and Local Governments and is also appreciated by the people. Therefore the objects of the Government in establishing these Advisory Councils could best be secured only by having those men on the council in whom people have confidence and trust and who are well acquainted with their wants and wishes. If the members will be nominated by the Government they could not be called representatives of the poople. As matters stand the official members support the Government's views, and the appointed non-official members also deem it their duty to do so. Those who have experience of the district and municipal boards and of the Imperial and Provincial Legislative Councils will testify to it. In the times of the East India Company officials in the Government service used to be appointed in England by recruitment, but this system was found defective and was replaced by the system of competition. This supports the view that the system of election is better than nomination. Even the Muhammadans in their ad dress presented to the Viceroy in October 1906 expressed their disapproval to the system of nomination in the following words :—" While, therefore, we are bound to acknowledge with gratitude that such representation as the Muhammadans of India have hitherto enjoyed has been due to a sense of justice and fairness on the part of Your Excellency and your illustrious predecessors in office on the heads of Local Governments by whom the Muhammadan members of Legislative Chambers have almost without exception been nominated, we cannot help observing that the representation thus accorded to us has necessarily been inadequate to our requirements and has not always carried with it the approval of those whom the nominees were selected to represent. This state of things was probably under existing circumstances unavoidable, for while on the one hand the number of nominations reserved to the Viceroy and Local Governments has necessarily been strictly limited, the selection on the other hand of really representative men has, in the absence of any reliable method of ascertaining the direction of popular choice, been far from easy."

9. As to the system of election I would suggest that the Provincial Advisory Councils should be composed first and they should elect 30 members for the Imperial Advisory Council from among themselves or any one else resident of the province, as is done in the case of election of members for the Imperial Legislative Council. In my opinion the Government proposal that the Imperial Advisory Council should be composed first and that its provincial members should form the nucleus of the Provincial Advisory Council is not based on sound principles.

10. In clause 3 of the Government letter it is proposed that " the Council should consist of about 60 members for the whole of India, including about 20 ruling chiefs and a suitable number of the territorial magnates; where landholders of sufficient dignity and status are to be found," but there seems to be no reason why industry, commerce, capital and the professional classes should be excluded from the Advisory Councils. As to the total number of this council I beg to remark that in my humble opinion the proposed number of 60 is too small when we see that in Great Britain with a population of about four crores the number of members in the House of Commons is not less than 670 and in the House of Lords 594, while the population of British India is not less than 23 crores. In fixing the number of members of the Advisory Councils there will be no such difficulty as has been mentioned by Government in the case of fixing the number of non-official members of the Legislative Councils where the official majority is to be kept up on political grounds.

11. It is provided in clause 5 that " the councils should receive no legislative recognition and should not be vested with formal powers of any sort." I would

suggest that the council should be given a definite constitution and powers so that the members may be inclined so serve on it.

12. In clause 6 it is laid down that its functions should be purely advisory and that it should deal only with such matters as might be specifically referred to it from time to time. I would suggest that these Councils should be at liberty to bring to the notice of Government other matters also which they consider to be necessary or important for the general good of the country, also matters which they consider essential according to the circumstances of the time for the good of the Government. In that way only the Government can be in touch with the people and the objects mentioned above can be attained.

13. In clause 7 it is laid down that "the proceedings of the council when called together for collective consultation should, as a rule, be private, informal and confidential, and they would not be published." There seems to be no reason why the proceedings of the council should be kept private and confidential, although Government would be at liberty to make any use of them. I would suggest that the proceedings should be made public, because such matters are to be kept confidential on political grounds will not likely be referred to them.

The Provincial Advisory Council.

14. The Local Government of the United Provinces of Agra and Oudh proposed to fix the number of the Provincial Advisory Council to be 25, but in my opinion it seems to be too small and I would suggest that each district may be allowed to send to the council at least one member by election and one-third of them may be nominated by the Government. Thus there will be 48 elected and 16 nominated members. This number may seem to be very large, but the propriety of it can be judged by the fact that the population of the United Kingdom of Great Britain amounts to 41,976,827 to represent whom there are 670 members in the House of Commons, while I suggest only 64 members to represent these Provinces whose population is 47,691,782 *i.e.* 57 lakhs more than the former. The Government of India desire that the great landholders, the smaller landholders, industry, commerce, capital and professional classes and the Europeans should be included in the councils, and it is difficult to understand how all these different interests can adequately be represented by the small number of 25.

15. I quite agree with the proposal of the Government of India that collective deliberation is more valuable than opinion elicited by individual consultation and I attach much importance to it. In my opinion individual consultation is not required at all, but in the case of absence of any member in the meeting his written opinion should be accepted.

16. I would like to suggest further that the council should meet at least twice a year and that when His Honour the Lieutenant-Governor may visit a division he should hold a meeting of the members of the council residing in that division and give them an opportunity of pointing out the local requirements.

Imperial Legislative Council.

17. In 1889 Lord Lansdowne's Government observed that "the spread of education and enlightened public spirit, and the recent organization of Local Self-Government might render it possible to give representation to the views of different races, classes and localities through the medium of corporations vested with definite powers upon a recognized administrative basis, or of association formed upon a substantial community of legitimate interests, professional, commercial and territorial." However, when the councils were framed under the India Councils' Act, 1892, the number of non-official members on the Imperial and Provincial Councils was kept too low to represent adequately the interests of 230 millions of people under the British rule.

18. The electors tried to send to the councils such persons as were well qualified to represent their interests and such persons were mostly found among the legal professions, and it is for this reason that the lawyers predominated in the Councils.

The people of India have all along been asking the Government to increase the number of non-official members so that all classes might adequately be represented, and thanks to the Government that after all they have considered the advisability of such an extension. But it is to be regretted that even now the number of non-official members for the Imperial and Provincial Councils is not fixed on a liberal scale and is not expected to fulfil the requirements of the time. The Government indirectly admits this fact, but finds itself as if unable to do justice to the people in giving sufficient representation, on the ground that they could not spare more officials than proposed, in order to be equal to the number of the non-official members, without detriment to their duties. This difficulty, I believe, can be overcome by other methods than the proposed one. But it is absolutely desirable that the number of non-official members should be raised, having due regard to the number of persons whose interests they are going to represent. Out of the total number of 54 members on the Imperial council it is proposed to appoint 36 members by nomination, *i.e.*, 29 from among the officials and 7 from the non-officials and the remaining 18 by election. In other words the council would consist of two-thirds of the Government nominees and only one-third of the elected members. Can such a council be said to be a representative one and can 18 members fairly represent the interests of 230 millions of the people? Not only this, but even these 18 elected members are not to be elected at the free will of the electors, because their power of election has been confined to particular classes. In India, many persons of the legal profession are highly educated and devote their time and energy to the public good even at the sacrifice of their personal interest. The very fact that their number so much preponderates in the Imperial and Provincial Councils shows that the people have more confidence in them than others. It is a matter of daily experience that when a man has to appoint his representative (council) in a court of law like the High Court he would not select that Barrister or Vakil, who is a man of property or wealth, but one whom he would find a better qualified man to defend his cause. Even the most intelligent landholder or banker has to consult expert opinion in transacting his business. The business of the Legislative Councils is to pass laws, and who else on behalf of the people are best fitted to help the Government in making laws for the land than the men who have to help the administration of those laws? History tells us that almost all the philosophers, prophets, lawgivers, politicians and statesmen, &c., were men of intellect and genius and not men of property and wealth. Messrs. Disraeli, Gladstone and other English statesmen of the present day were not territorial magnates. The ministers of Akbar, *viz.* Birbal, Todermal, Khan Khana, Faizi, &c., were men of genius only. Sir Syed Ahmad Khan was not a man of property. Even the school masters so much deprecated by the Government of India have found favour in the estimation of the Secretary of State as appears from his selection of the Honourable Mr. Morrison and Hon'ble Mr. Bilgrami for his own Council.

19. Under these circumstances I beg to suggest that the number of elected members should be increased and the power of electorate for making their elections should not be hampered, but should be allowed a free hand in the use of their discretion. Regard should of course be had that the electorates may be composed of all classes and creeds.

20. It has been noted in paragraph 16 of the Government letter that "under the system of election hitherto in force Hindus largely predominate in all or almost all the electorates with the result that comparatively few Muhammadan members have been elected." With due deference to Government, I regret to say that I cannot share in this view. In my humble opinion the electors try to select the best possible man for the seat without regard to his religion or profession. This was the reason of the men of legal profession predominating in the councils and of there being more Hindus than Muhammadans. In the United Provinces the Honourable Pandit Bishambar Nath, the Honourable Sir Faiyaz Ali Khan and the Honourable Rai Bahadur Sri Ram, were elected for the Imperial Council unanimously by the Hindus and Muhammadans. Religion or profession has nothing to do with such elections.

But in the proposed scheme certain seats have been allotted exclusively to the Muhammadans. This is certainly a departure from the old neutral policy of the British Government. Up to this time there was no special electorate for any religion, nor were any restrictions imposed on the electors to elect a person of a certain religion. They could elect any whom they thought to be the best qualified for representing their interests. Similar was the case with the appointments in the Government service of all ranks. The Government appointed any they thought well qualified for the post. Although there was a predominance of Muhammadans over the Hindus in some Provinces, yet the latter, relying on the justice of the Government, did not grumble and press their claims upon the Government. But the Muhammadan gentlemen have preferred to open this controversy and press their claims, sparing neither the Hindus (for not electing Muhammadans), nor the Government officials (for selecting unfit persons) from blame. Therefore if it is advisable in the opinion of the Government to open this controversial point, it should be settled once for all and the principle upon which Government should distribute posts in the councils and in the Government service determined. In this respect the safest guide can be the proportion of a religion or class to the population of the whole Province and then suitable arrangements can be made to secure the fixed number of seats for them.

Under the present scheme out of 25 non-official members, four seats have been allotted exclusively to the Muhammadans, *i.e.*, two by election made by the Muhammadans and two by nomination made by the Government in addition to as many more seats as they will be able to get by election. Therefore great heart-burning is naturally produced in the different classes of His Majesty's subjects such as Sikhs, Parsis, Marhattas, Khatriyas, Marwaris and Eurasians. If the contemplated change in the old policy is kept up it is feared lest it will sow the seed of everlasting animosity.

PROVINCIAL LEGISLATIVE COUNCIL.

21. The number of non-official members on the council has been fairly increased and the Government of Sir John Hewett is thanked for this liberality. But I would suggest that the electors should have a free hand in making their elections and the proprietary qualifications for a member of the council should not be forced upon them. But for the sake of the members being really useful in conducting the council business which is done in England, it may safely be laid down that a person who is not a graduate or has not in the opinion of the Local Government a fair knowledge of English to be able to understand and conduct the business of the council himself will not be eligible for the post.

22. Under paragraph 3 of the Local Government's letter, four seats out of 18 non-official members, have been reserved for Muhammadans, which will be in addition to what they will secure by election. In other words, this means that the Muhammadan element in the council will never be less than one-fourth of the non-officials and it may go up to any limit. I have mentioned above my views in paragraph 20 on this subject. The proportion of Muhammadans to the population of these Provinces is only 14 per cent., and it is for the Government to decide how many seats they are entitled to get at such a time when there is so much unrest on this point in the public mind. The wisest and safest course for the Government would be to adhere to their old policy of neutrality hitherto followed and to let the people of every class come in by election.

23. In my opinion the term of office of the members of the Provincial Council may be fixed at three years as the present term of two years is too small.

24. The Council should meet at least four times a year.

Dated Allahabad, the 7th January 1908.

From—THE HON'BLE RAI SUNDAR LAL, BAHADUR, B.A., C.I.E., *Advocate, High Court, North-Western Provinces,*

To—Chief Secretary to Government, United Provinces.

SIR,—I have the honour to acknowledge receipt of your letter no. 1516/III—416, dated the 7th October 1907, forwarding copy of the Government of India letter no. 2310—17, dated the 24th August 1907, relating to the question of

giving the people of India wider opportunities of expressing their views on administrative matters, for an expression of my views on the proposals. Opinion is more specially asked on matters referred to in paragraph 2 and the subsequent paragraphs of your letter under reply. Suggestions are invited as to the constitution of the Provincial Advisory Councils and the Provincial Legislative Council and the formation and recognition of electorates and public bodies to elect or nominate members to it and to the Imperial Legislative Council in Calcutta.

2. The Indian community is thankful to the Government of India for taking the question into consideration and for formulating their proposals for on expression of public opinion on them.

3. The Government of India propose to effect the object in view by—

(i) the establishment of an Imperial and also Provincial Advisory Councils;

(ii) the expansion of the existing Legislative Councils, the reallotment of seats in the councils to represent various interests, and by recasting the rules for the appointment of their members.

I will take up the two proposals in their order.

IMPERIAL ADVISORY COUNCIL.

4. The object and the constitution of the proposed Imperial Advisory Council are set out in paragraphs 4 and 5 of the Government of India's letter quoted above. This council, according to paragraph 5(3), is to consist of about 60 members for the whole of India, including—

(*a*) about 20 ruling chiefs and

(*b*) a suitable number of territorial magnates of every province where landholders of sufficient dignity and status are to be found.

As the first practical measure of its kind which has for its objects the enlistment of the co-operationof the ruling chiefs in the Government of India, I welcome it. Much of course will depend upon the selections of the chiefs for the council. The ruling chiefs, however, have no direct contract with the masses of the people under the direct Government of the British Crown, and therefore cannot be the best representatives and exponents of their views on administrative measures, which will affect the most, and it will be through the other members of the council that the views of the people of British India on such administrative measures will be really expressed. It is upon their selection that the success of the council will, I think, really depend.

5. The second class of persons who will find place in the council are described as "*territorial magnates*" and will, I imagine, be big landholders holding titles of Maharajas, Rajas, Nawabs and the like, and who come immediately below the ruling chiefs in rank. In thus restricting the field of selection I fear the council will not be, as it ought to be, as good and useful an exponent of public opinion as it should become if the range for selection had been wider and persons of the position of retired Indian Judges of the High Court, or retired Indian members of the Civil Service, or gentlemen on whom the Government has conferred titles, honours or distinctions, or gentlemen distinguished for valuable public services, or members of the professions who occupy prominent positions in life, or ministers of native states, and other persons of the same class are made eligible for appointment to it. The "ruling chiefs" and "territorial magnates" often fall back upon the advice and assistance of persons of the attainments I have mentioned in the disposal of their own affairs; and by including them the council will not only represent the landed, but also the intellectual, aristocracy of the land.

6. The council should meet at least once a year and also on the written requisition of not less than one-third of its members. It should be permitted to bring to the notice of the Government matters which in its opinion require the consideration of the Government. By confining it to its scope to a consultative body only on matters referred to it for opinion the Government would not be utilizing it to the full extent to which it can be of service to the administration. It would be better if the council could be given legislative recognition, so as to form part of the constitution of the Government of India. Although the council will not be invested with formal powers of

any sort, I think it would give the weight due to the advise of such a body if the Government made it a rule to defer for further consideration any measure against which not less than three-fourths of the members of council have voted.

PROVINCIAL ADVISORY COUNCIL.

7. The number of the members of the Provincial Advisory Council should, I think, be fixed at 30, that is 25 in addition to the provincial members of the Imperial Advisory Council. It is difficult to fix with any precision the qualifications for membership or the proposition in which members should be appointed to represent various interests in the province. It would be better that the constitution is more or less in a fluid state until more experience is gained, but I would suggest as a tentative measure a constitution on the following lines :—

That the council should consist of—

(*a*) Provincial members of the Imperial Advisory Council, about	5
(*b*) One landholder to represent each of the nine Commissionerships of the United Provinces	9
(*c*) Industry, commerce, capital and manufactures to be represented by ...	6
(*d*) The professions to be represented thus—	
Oudh	1
Agra	2
(*e*) University of Allahabad	2
(*f*) Non-official European, Eurasian and Native Christian communities ...	2
(*g*) To represent other interests not otherwise represented	3

Members of group (*a*) will represent the big landlords of the United Provinces and group (*b*) the smaller landholders. There will thus be at least 14 landholders on the council.

Group (*c*) will include a member of the Chamber of Commerce, bankers, merchants and a leading planter. There may possibly be room for one or two Europeans in this group.

Groups (*d*) and (*e*) require no explanation.

In group (*f*) the Government might appoint a member of the missionary class who has been long in touch with the people or a member of the English Bar or a retired member of the Civil Service of long Indian experience.

The last group will enable the Government to appoint representative of any particular class, creed or race who are not sufficiently represented by persons selected under the preceding groups.

8. The observations contained in paragraph 6 relating to the Imperial Advisory Council are equally applicable to this council.

9. To promote a free discussion of the matters coming before the council it seems desirable that the council should be presided over by a non-official member. This consideration applies equally to the Imperial Advisory Council, but, as it will have 20 ruling chiefs among its members, there may be possible difficulties in the selection of a non-official chairman, and I have therefore, in consideration of this aspect of the question, made no similar suggestion in connection with the Imperial Advisory Council.

10. The constitution of Imperial Legislative Council is outlined in paragraph 2 of the letter of the Government of India. I have no observation to offer under heads (A) and (B), nor to the representation of the Chambers of Commerce of Calcutta and Bombay, and of the non-official members under (D), clauses (*a*) and (*b*). If the constitution of the Provincial Councils is altered on the lines proposed in the said letter landholders will be returned much more largely by the non-official members of the Provincial Councils than they have been in the past, and it will not perhaps be necessary to give them the large separate representation that it is proposed to give them under head (D), clause (*c*).

11. It is proposed to definitely reserve four seats for Muhammadans, two of which are to be filled by election. These two Muhammadans will be elected by a separate Muhammadan electorate constituted of the following classes :—

(1) All who pay land revenue in excess of a certain amount.

(2) All payers of income tax; this would comprise trading and professional classes exceeding Rs. 1,000 a year.

(3) All registered graduates of Indian University of more than, say five years' standing.

I think that the Muhammadans, like other minorities, should be represented by nomination made by the Government as hitherto, if not already returned by election in sufficient number. It is of course desirable that the Muhammadan community should be fully represented in the council, and there is no objection to four or even a larger number of seats being assigned to them. Under the scheme proposed Muhammadans get three special advantages over other members of the Indian communities, *viz.*—

(*a*) a reservation of four seats in addition to any to which they may be otherwise elected;

(*b*) election by their own co-religionists, whereas others will have to depend for their election upon the votes of their own co-religionists as well as others;

(*c*) they obtain a very large electorate of landholders and all persons having an annual income exceeding Rs. 1,000 and in which all graduates of certain standing will be represented.

These privileges will be possessed by no other community. A Hindu, Parsi, or Christian graduate will have no franchise as such which his more lucky Muhammadan brother will enjoy. This is by no means a small advantage and I have no doubt that if it is granted to Muhammadans, every other community in India will vigorously claim it. It will be a matter of considerable practicable difficulty to adjust these claims on a satisfactory basis. In these days of caste, class and religious conferences much will be made of this apparent disparity of treatment. The best interests of the Government, I believe, require that if the Muhammadans are given the proposed special electorate, a similar special electorate on exactly the same lines should be given to other communities.

The selection of the representatives of a class, by members of that class alone, is necessary where the differences between it and other classes of the community are such as will render the nomination or election of a representative futile by the ordinary method. This does not, so far as my experience goes, exist in the case of Muhammadans. I have not come across one legislative measure in which the interests of the Hindus and Muhammadans were not common. Differences no doubt exist, but they are mainly in the question of the distribution of official patronage and honours, in which the candidates themselves are very often the more interested persons.

The scheme proposed will tend to perpetuate whatever differences there are between the various communities, if not to create some more. The interests of the Government and public will be better served by a continuation of the existing system of securing representation of the minorities.

Another feature that I note in the constitution of the Imperial Legislative Council is the absence of a representative of Indian capital, industry or commerce. The Chambers of Commerce at Calcutta and Bombay will not sufficiently represent the mufassal. The representative of these bodies will very inadequately, if at all, represent the Indian side of it. A representative of the leading Indian merchants and capitalists might be elected in rotation from each province by the persons of this class who pay income tax above a certain figure.

The universities also are not represented in it. The Indian universities might in rotation be permitted to nominate one member to the Imperial Council.

PROVINCIAL LEGISLATIVE COUNCIL.

12. The proposed constitution of the Local Legislative Council seems to be good, except in two respects. Firstly, there is no Indian representative of trade, capital or industry as such in the council. I think that all merchants, manufacturers, capitalists, bankers, &c., paying income tax in the sum of Rs. 250 or over should be

formed into an electorate and one seat given to them for election. Similarly all Indian legal practitioners above the grade of *mukhtars* or pleaders (as the Government may determine) should (as has been proposed to be done in Madras) be formed into an electorate and elect one for a seat in the council. At present some lawyers will come in through the municipal board, but as members of other communities advance education in the municipal towns they will claim their proper share of the representation.

My observations relating to the special representation of the Muhammadans in the Imperial Legislative Council apply equally to the Provincial Legislative Council.

13. I think that there should be no change at present in the franchise, and in the qualification of members for election to the district and municipal boards, but candidates for election to the Legislative Council from the district boards or the municipal boards should have an income of not less than Rs. 5,000 a year. It would perhaps be enough to prescribe that the candidate from the district boards should pay Government revenue in the sum of Rs. 5,000 or more a year and in the case of candidates from municipality income tax on a like amount. The proposals in paragraph 22(*c*) of the letter of the Government of India as to the constitution of municipal and district boards are not needed, and the lines on which it is proposed to reconstitute them present many practical difficulties. The reservation of seats for members of the different religions, and the constitution of special electorates for each religion, are not at all called for and will bring discord where harmony now exists. It is not also practicable to frame caste or class groups of electors as suggested. Unchangeable as the East has been said to be, in these days, though one cannot change his caste, the class, *i.e.* whether a man is an agriculturist, artizan, tradesman, soldier or a professional man, frequently changes ; for example, a Brahman may be a priest, a moneylender, or merchant, or landholder, or lawyer, or medical man, as also a soldier or a cultivator. He may belong to more than one class. The same remark applies to every class or community. The success of the scheme of municipal or urban self-government depends upon the consolidation of the various communities within its territorial limits into one homogeneous whole and not upon the disintegration of its solidarity.

14. I think that a single representative of the landholders of the United Provinces of Agra and Oudh to represent the landed interest in the Imperial Council should be elected by all landholders paying revenue on the sum of Rs. 10,000 or over in both the provinces.

The proposal to give the provinces of Agra and Oudh a right to elect in alternate terms seems to be open to the objection that it places the more numerous landholders of the province of Agra on the same footing as those in the smaller province of Oudh. It tends to perpetuate the distinction between the two provinces, which ought to disappear in course of time.

15. All candidates for election as members of the Imperial or Provincial Legislative Council should possess a fair knowledge of English so that they may be able to follow the discussion and take an active part in the proceedings of the council.

I regret very much the delay of a few days that has occured in the submission of the reply, which I trust you will kindly overlook.

Opinion of the Hon'ble Munshi Madho Lal, *Member, Imperial Legislative Council and zamindar, United Provinces, dated Benares, the* 30*th December* 1907.

The object of the Government in inaugurating the proposed reforms is admittedly to give to the people of India " a more effective part in shaping the action of Government," " a larger share in the actual administration and more extensive employment in the higher offices of the State." The initiative taken by His Excellency the Viceroy has not been taken a day too soon. The spread of English education amongst Indians, the indubitable proof of their intellectual fitness, the new social and political conditions which affect the course of Indian affairs have rendered the introduction of some such schemes as the proposed ones of paramount importance. They

are, I take it, the outcome of a generous and sympathetic policy of the British Government, with whose interest the destinies of the three hundred millions of Indians have providentially been knit together.

2. The reforms contemplated are not intended to weaken in any way the executive authority of the Government, or to impede its free action in the general conduct of affairs. The Government of India have with this view, we are informed, formulated certain proposals on which public opinion has been invited. It is obvious that the schemes put forward are tentative and are intended at best to form the bases for the public to work upon. Thanking the Government for its good intentions I proceed to an examination of the Government proposals. I shall first take up—

THE ADVISORY BOARDS.

3. The regular consultation of persons in all ranks of society, qualified to advise on administrative measures, and proposals for action is, in the words of Sir Harold Stuart's letter, part of the necessary procedure of the Government; such advice and opinion are the indispensable foundation upon which good administration is built up. How to secure such advice and opinion in a *constitutionally recognized* and *well regulated form* is the question. The establishment and recognition of a determinate body of advisers would, in the opinion of the Government of India, be a marked step in constitutional progress. So far there can be no two opinions. But it is with regard to the scope and function of that determinate body that a considerable difference of opinion arises. A body of advisers, bereft of legislative recognition and shorn of powers, summoned together or consulted by letter at the will of the Head of the Government, their deliberations private and their opinions confidential, without having the privilege of volunteering advice on any matter of vital importance to the people, would, in my humble opinion, be more ornamental than useful, and would hardly subserve the end in view of affording to the people a more effective part in shaping the action of the Government.

4. I now pass on to the constitution of the Provincial Advisory Boards. Assuming that the Board for the United Provinces should consist of 25 members only as suggested in the Chief Secretary's letter, dated the 7th October 1907 (though I should like to have double the number), I would distribute the seats as under :—

9 to municipal boards, each division sending up one member.
9 to district boards, each division sending up one member.
1 to a nominee of the British Indian Association, Oudh, Lucknow.
1 to a nominee of the Landholders' Association of Agra, Allahabad.
2 seats to University men, to be elected by M. As., D.Scs., and M.Ds. of not less than five years' standing and B. As., M. Bs. or L.M.Ss., and B. C. Es., of not less than ten years' standing.
2 seats to members of the legal profession to be nominated by the Bar Associations of the High Court, Allahabad and Judicial Commissioner's Court, Lucknow.
1 seat to trade, commerce, and industry to be nominated by the Chamber of Commerce.

5. To make the proposed body of advisers helpful adjuncts of the machinery of administration they ought to have a legal status; be required to meet periodically; be authorized to submit to Government, *suo motu*, their views on administrative questions. I would have the Provincial Advisory Board of the United Provinces assemble at least twice a year—once at Allahabad, say in November, and once at Lucknow, say in March. I would have such of the members of the Provincial Advisory Board as reside within a revenue division summoned for consultation on the occasion of the visit of the Lieutenant Governor to that division. I would grant to the members every facility to correspond with the responsible officers of the Government on all important administrative questions and to obtain correct information thereon or in connection therewith. I would, on an emergency, let at least seven members sign a requisition and call for an extraordinary sitting of the Board. I would let each member hold office for three years and make him eligible for reappointment or re-election for a further like period.

THE IMPERIAL ADVISORY COUNCIL.

6. I regret I am unable to agree in the proposed method for the constitution of the Imperial Advisory Council. Granting that the council should not consist of more than 60 persons, I would recruit them in the manner following:—

32 seats to be representatives elected by the non-official members of the eight Provincial Advisory Boards.

8 seats to representatives of trade, industry and commerce, one nominated by each Local Government or Administration.

8 seats to territorial magnates, one nominated by each Local Government or Administration.

10 seats to rulling chiefs nominated by the Viceroy.

2 seats to representatives of minorities to be nominated by the Viceroy.

Every Provincial Advisory Board should nominate not more than four representatives from amongst them, the election being made by ballot and determined by a majority of votes. The head of each Provincial Government should nominate a representative of the territorial magnates of the province, who may or may not be a member of his Advisory Board. Similarly a representative of trade, industry and commerce may be nominated.

THE PROVINCIAL LEGISLATIVE COUNCIL.

7. With regard to the Legislative Councils I congratulate the Government upon its desire to enlarge them to the fullest extent compatible with the necessary authority of the Government. The advance in education, the change in the social conditions, the growth of political aspirations of the children of the soil demand the enlargement of the Legislative Councils. The proposal to give the landed and the moneyed interests in the country a chance to voice their opinion on legislative measures would no doubt tend to a better understanding between the rulers and the ruled. As the Government of India rightly observes, the needs and sentiments of the masses of the people must find expression through those who from their knowledge, experience and education are qualified to speak on their behalf. That no particular class should have a monopoly of representation is but fair: it is equally fair and necessary that no class disabilities should be permitted. That men of law and literature should preponderate in the Legislative Councils under the elective system is not surprising. One cannot fairly expect an unlettered man of means to assist in the making of the law of the land. While every attempt should be made to focus all shades of opinion on public questions, the real work of formulating the law cannot be expected properly to be done by an illiterate or an uneducated person who is not fitted for the task by his ignorance of the language in which that law is framed.

8. The Government naturally desires always to have a standing majority of its own in the Legislative Councils. It is equally natural on the part of the people to desire to have their interests fully represented in the councils by their own nominees. If the Government really means to make the councils sufficiently large to be representative of the various and varied peoples over whom it exercises sway, the numbers of non-official members should be substantially increased. In order to counterpoise the strengthened non-official opinion in the Legislative Councils, the appointment of an inconveniently large number of Government officers would be needed. But the necessity of their presence might be obviated if the Government reserved to itself the right of veto, which could, whenever necessary, be exercised, full reasons therefor being recorded and published. The existing machinery of Government is such that the collection of official opinion on any question is a simple affair. It is the non-official opinion which, in the absence of a well organized system, it is practically impossible to properly ascertain. Assuming that the membership of the Provincial Legislative Council shonld be limited to 37, I would suggest that it be formed thus:—

10 seats to be allotted to municipal boards with a population of not less than 100,000.

5 seats to minor municipalities.

4 seats to the district boards.

1 seat to the Chamber of Commerce, Cawnpore.

1 seat to the University of Allahabad.

4 seats to the Secretaries to the Government.

1 seat to a Medical or Sanitary Officer of Government.

1 seat to a Member of the Board of Revenue.

4 seats to Commissioners of divisions.

2 seats to landholders to be nominated—one by the British Indian Association of Oudh and the other by the Landholders' Association, Agra (the candidate should be one who pays Government revenue of not less than Rs. 25,000 per annum).

2 seats to trade or commerce to be selected by the Local Government (the candidate should be one who pays income tax of not less than Rs. 100 per annum).

2 seats to representatives of minorities to be nominated by the Government.

9. I am strongly averse to any representation based on race, religion or guild as being opposed to the admittedly salutary and sound principle of Government neutrality that has always been the characteristic feature of the British administration in India in its dealings with the different religious and class interests in this land of various races and creeds. From the municipal boards I would limit the representation in the council to such members as have an annual income of not less than Rs. 2,000 and possess the necessary knowledge of English to enable them to follow the proceedings of the council. I am not of opinion that the present rules regarding the qualification of candidates for election to municipal boards in the United Provinces, which, generally speaking, answer fairly well, should be altered. But I am of opinion that the conditions of membership of district boards should be changed, being based more largely on the elective principle as is now the cases with the membership of municipal boards and confined to men paying Government revenue of not less than Rs. 500 per annum.

The Imperial Legislative Council.

10. Having indicated the lines on which the Provincial Legislative Councils may be built up, I shall now proceed, in the only logical and convenient mode of dealing with the question possible, to constitute the Imperial Legislative Council. To make it representative of all interests and classes the only way is to recruit its non-official members from recognized electorates, *viz.* the Provincial Legislative Councils. Any other method of recruitment is bound to fail, and I would strongly urge the Government not to take the retrograde step of discarding the elective system. I am decidedly of opinion that any method of racial or sectarian nomination and religious representation is foredoomed to failure and is sure to lead to difficulties. Bearing this in mind I would suggest that the Imperial Legislative Council should consist of the following, assuming that its maximum strength might be 54 only :—

(*a*) *Ex officio*, the Lieutenant-Governor of Bengal or of the Punjab (as the case may be), the Commander-in-Chief, and the members of the Executive Council	8
(*b*) Additional officials to be nominated one by each principal Government ...	8
(*c*) A ruling chief to be nominated by the Viceroy	1
(*d*) A territorial magnate	1
(*e*) Representatives of the Chambers of Commerce of Calcutta, Madras, Bombay, Karachi and Cawnpore	5
(*f*) Representatives of Provincial Legislative Councils of Bombay, Madras, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma (three from each)	21
(*g*) Representatives of the Central Provinces, Berar and Ajmer-Merwara, to be nominated by recognized public bodies within the Provincial Administrations	2
(*h*) Non-officials to be nominated by the Viceroy to represent minorities or special interests	4
(*i*) Experts to be nominated by the Viceroy when necessary or by any community whose interests may be specially concerned	1
(*j*) Two representatives of the Press (Anglo-Indian and Indian) one of each, the paper being of not less than ten years' standing, the nomination being made by the Press	2
Total ...	53
Including His Excellency the Viceroy	54

Such a council of nominated and elected representatives would, I think, meet the present requirements of the country.

11. In conclusion I venture to suggest that if two members of the Advisory Boards and the Imperial Advisory Council, one to be nominated by Government and the other to be elected by the Board or Council, be required to be always at the head-quarters of Government in order to be within easy reach of the Government, free consulation would be facilitated.

Opinion of RAJA RAMPAL SINGH, C.I.E., *Talukdar of Kori Sudauli, district Rae Bareli, dated the 25th December 1907.*

I NEVER studied the question of reform scheme with a view to write anything on it, though I have been perusing with interest the literature that has appeared on it from time to time in the press. But now as you have been pleased to call an expression of opinion from me, I beg to submit it in a brief form for there is no time to discuss the scheme in detail with reasons.

The scheme consists of two heads of reform :—

(1) Advisory Councils (Provincial and Imperial).

(2) Expansion of Legislative Councils (Provincial and Imperial).

Taking the needs of India into consideration I strongly support the proposal of Advisory Councils, both Imperial and Provincial, but I do not quite agree with the constitution and the restricted functions that the scheme proposes to give them. In order to satisfy the public and to make these bodies fulfil the objects for which they are proposed to be formed and for other various reasons which I need not detail here, I think it necessary that one-third of the members of the Advisory Councils, both Provincial and Imperial, should be elected members and the rest should be nominated by the Government. I beg to suggest that the Provincial Advisory Councils should consist of 30 members. Out of these 15 should be nominated by the Government from amongst the landlords paying revenue not less than Rs. 10,000 a year and five should be taken as representatives of other interests and 10 should be elected by the registered graduates of any university of 15 years' standing, but residing within the province to all intents and purposes. In the same way the Imperial Advisory Councils should have two-thirds of its members nominated by the Government and one-third of its members elected by the different Provincial Advisory Councils. That is to say that the Imperial Advisory Council should consist of 63 members instead of 60 and out of these 21 should be ruling chiefs, 21 should be nominated by the Government from amongst the territorial magnates who shall be members of the Provincial Advisory Councils of the different provinces (three from each province), and 21 should be elected by the Provincial Advisory Councils (three from each province.) These councils should not only deal with matters that may be specifically referred to them, but should also be given the privilege of bringing before the Government of their own accord any matter that they may think important for the country or for the Government. The proceeding of these councils should not, as a rule, be kept private, but should be published as the country has a right to know them.

As regards the constitution of the Imperial Council as proposed in paragraph 12 and page 5 of Government of India's letter I have not much to say. In sub-section 2(*e*) of the same paragraph, after the words "Non-officials nominated by the Viceroy . . . Muhammadans" the words "Provided they are in the minority" should be added. I do not think it is intended that if a sufficient number of Muhammadans be elected, the Government will even then nominate two Muhammadans to make the number too large. In my opinion if the Government is bent upon reserving a few seats for the Muhammadans, the number of the seats should be fixed once for all. The proposal in the scheme is apt to cause bad blood between the Hindus and the Muhammadans, who have been living as brothers for centuries, and the Government will be blamed for that. The same should be the case with the Provincial Councils.

In the scheme of the Local Government for Provincial Council I beg to suggest that there should be two representatives for the municipalities of Agra province and one representative for the municipalities of Oudh as is the case with district boards.

In the case of the members of Legislative Councils, both Imperial and Provincial it should be made a strict rule that no member should be taken unless he has a sufficient knowledge of English to understand the proceedings of the council.

No. 4660/XII—601A., dated the 17th December 1907.

From—Hon'ble Mr. A. W. Cruickshank, C.S.I., *Senior Member, Board of Revenue, United Provinces,*

To—Chief Secretary to Government, United Provinces.

Sir,—I have the honour, in compliance with your no. 1519/III—416, dated the 7th October 1907, to submit my opinion on the points therein indicated.

Of the wisdom of increasing the opportunities of ascertaining the views of the ruling chiefs and their subjects—as well as those of the inhabitants of British India—on essential items in the social, industrial and political life of the Empire there can be no shadow of doubt.

The saying, attributed to the wisest of eastern kings, "Where no counsel is the people fall, but in the multitude of counsellers there is safety," is as true now as erstwhile.

Whether the proposals in paragraph 5(*d*)(1) to (7) of the Government of India letter no. 2310/2317, dated the 24th August 1907, as to the creation of an Imperial Advisory Council are the most suitable expedients for eliciting the real opinion of the imperial counsellers, and through them of the people they are intended to present, is one of the subjects on which I am requested by the Local Government to submit my opinion.

I may premise my remarks by stating my conviction that a council of counsellers is an idea more consonant to the ideals of Western civilization and freedom of expression of the thought than to the practice of the secretive East.

Whether the members of the proposed Advisory Council called together for collective consultation would be the ready exponents of the views of their countrymen may be open to question. That the opinions of these selected counsellers obtained individually and confidentially would be of the highest value is a matter that goes without saying. I believe, however (I write subject to correction), that under existing arrangements ruling chiefs can be, and are, consulted individually and confidentially on matters of imperial or local importance affecting the interests of India or the states over which they rule.

In such confidential correspondence a ruling chief is much more likely to enunciate with freedom and sincerity his personal knowledge and real opinion that in a collective assembly, where he would be hampered by doubt as to what his compeers might think of his attitude. He knows that such confidential correspondence will be kept sacred.

Though the proceedings of the proposed Advisory Council would not be published and would ostensibly be private, informal and confidential, there is no ruling chief or other counseller but would in his heart of hearts fear that in some way or other the veil of secrecy might be lifted. This might quite unconsciously be effected by some counseller unable to maintain a guard upon his lips.

The apprehension, based possibly on experience, of the extreme difficulty or keeping oral communication confidential might tend to restrain open disclosure of real facts and opinions in council.

Ruling chiefs would no doubt appreciate the honour of being individually consulted by His Majesty the King-Emperor's Viceroy on matters connected with the public weal. It is, however, a point deserving deliberate consideration whether ruling chiefs would appreciate as a distinction the privilege of sitting in an Advisory Council

with approximately twice their number of other counsellers, not ruling chiefs, however estimable and respectable such others might be.

Ruling chiefs differ in dignity *inter se* as regards salutes, titles, measure of independence and other considerations of birth, caste, creed and social rank, but each one of them considers himself politically superior to the most distinguished subject of His Majesty the Emperor, who is not a ruler. It is proposed that all the members should be appointed for a term of five years and at the end of that term should be eligible for reappointment.

I have no hesitation in recording that this limitation of the term of appointment would be unpalatable to all ruling chiefs, who would naturally think that, if fit to be counsellers at all, they are fit to hold that distinction for life or at least *quamdiu se bene gesserint*.

The term of five years for appointment of others than ruling chiefs on the Advisory Council seems open to little objection, but I would strongly advise permanence of appointment in the case of ruling chiefs. Briefly the ruling chiefs selected as imperial counsellers should be recognised as a different grade of counseller from the subjects of His Majesty the King-Emperor in British India.

With regard to the selection of counsellers for British India, it would avoid much invidious distinction and at the same time add to the dignity of the Imperial and Local Legislative Councils if the members of the last named councils were *ex officio* members of the Imperial Advisory Council. If this would swell the number of the Imperial Advisory Council too much, the members of Provincial Legislative Councils might send delegates.

It is possible that the consultation collectively of the Imperial Advisory Council would involve considerable expense on the members, and it is not apparent whether it is intended to provide against such a contingency.

For the constitution of the Local Advisory Council, presumably to be composed chiefly, if not entirely, of non-officials, I would suggest—

(*a*) whatever number of imperial advisory counsellers (other than members of the Local Legislative Council) may be chosen for the representation of the territories in the Local Government concerned, the same individuals should also be included in the Local Advisory Council;

(*b*) the non-official members of the Local Legislative Council;

(*c*) if more than those in (*a*) and (*b*) are required they should be selected by Government from the list of Muhammadan and Hindu title-holders, who are presumably the *élite* of their respective classes.

The enlargement of the Imperial and Provincial Legislative Councils on the lines proposed by the Government of India is a wise measure and should enlist the sympathy of all.

The proposal of the Government of India as to the selected and nominated members seem open to little criticism.

Turning to the proposals of His Honour the Lieutenant-Governor with reference to the number of members and the constitution of the *Local Legislative Council* I have nothing to suggest. These proposals would secure a fairly representative body of exponents of the opinion of the most important classes of the community.

Lastly, the proposed extension of the discussion of the budget on the lines proposed in paragraph 29 of the Government of India letter is a distinct step in advance. The present system is undoubtedly discursive and eventuates in a collection of chiefly infructuous observations rather than an informing debate.

No. 2572/XV—7, dated the 30th December 1907.

From—H. C. CONYBEARE, ESQ., *Commissioner, Meerut division,*

To—*Chief Secretary to Government, United Provinces.*

SIR,—In obedience to your letter no. 1520/III—416, dated the 7th October last, I have the honour to submit an opinion on the correspondence therewith sent regarding the constitution of Legislative and Advisory Councils.

ADVISORY COUNCILS.

2. With the remarks made regarding Imperial and Provincial Advisory Councils by paragraphs 4 to 7 of the Government of India's letter of the 24th August last I venture in the main to concur. Provincial Advisory Councils need probably consist of not more than 30 members, that is half the number composing the Imperial Advisory Council. I would not allot any rigidly fixed number of seats on the Provincial Advisory Council to any particular class, but would leave it to the Lieutenant-Governor to nominate as many of any class as he considers expedient with regard to the circumstances of the time. Not less than half of this council should, in my opinion, however, be territorial magnates, of whom in the United Provinces we have a sufficiency. The rest might be retired native military officers of distinction, past or present chairmen or vice-chairmen of the Cawnpore Chamber of Commerce, eminent railway officials, the Vice-Chancellor of the Allahabad University, and a professional man or two, preferably doctors or engineers, as the legal profession, including retired judges such as the Hon'ble Munshi Madho Lal, will always be sufficiently represented amongst the landholders. The fact to be recollected in constituting such councils is that at present the military, the landed, the manufacturing and commercial, and the railway interests are the principal interests of India. Although very vocal, the professional element is so small that it may almost be ignored. It seems unnecessary in these provinces separately to represent the European planters, as several of these gentlemen, General Sir Robert Hume for instance in Dehra Dun or Mr. Holdsworth in Gorakhpur, would probably be eligible as influential landholders. I would not, as suggested by the Government of India, appoint small landholders unless, in addition to being landholders, they happened to be important representatives of some special interest. It seems almost superfluous to add that the Lieutenant-Governor of the time would certainly appoint an adequate proportion of Muhammadans to his Advisory Council.

IMPERIAL LEGISLATIVE COUNCIL.

3. Differing from paragraph 10 of the Government of India's letter, I should myself think that a large number of senior officers of different departments could be spared from their duties for a few days to vote with the Government in the Imperial Legislative Council. The official members need not belong to the Indian Civil Service only. Colonels of regiments, Inspectors-General of all descriptions, Postmasters-General, Superintending Engineers, retired native officers of distinction, and many others might be trusted loyally to support the Government, as well as to supply a rather needful width of experience. It might be understood that they were present to vote rather than to read wearisome essays. Most of them would be quite content to accept those conditions.

4. For the word "officials" in paragraph 12(2)B of the same letter I would substitute the words "civil and military officers." The proposals do not, in my opinion, sufficiently recognize the fact that in India military interests are paramount. I would, moreover, amend this paragraph as suggested by paragraph 15, appointing the seven representatives of the territorial class by nomination and not by election. An elective system would introduce a number of members whose primary occupation was not that of landholders. A wealthy moneylender is in these provinces almost always a landlord, and often a bad landlord. As a moneylender he has much influence over other proprietors; and he could always therefore command votes at the landholder's elections for the Imperial Legislative Council. A prosperous lawyer also generally owns land; and he, too, by promises of advocating a permanent settlement or otherwise, might obtain votes enough to make him an Imperial Legislative councillor. A landholding Hindu priest, again, who promised to suppress, if possible, the slaughter of bovine cattle would be almost certain of election.

PROVINCIAL LEGISLATIVE COUNCIL.

5. The system which the Government of India's twenty-second paragraph suggests for securing class representation would in practice probably be found too

complicated. In these provinces no change in the qualifications of electors and of candidates for district boards seems necessary. But the qualifications for membership of municipal board are generally inadequate; and I remember a man who had been imprisoned for receiving stolen property obtaining a seat on such a board. No one who is not literate and who does not pay income tax or a land revenue of Rs. 1,000 yearly should, in my judgment, be accepted as a candidate for the board of any municipality. If that precaution were adopted the varying franchises of the different municipalities might be allowed to remain as at present. It seems unnecessary to fix any property qualification for the persons elected to Provincial Legislative Councils by district and municipal boards, as these persons have always hitherto been men of considerable substance.

BUDGET DEBATES.

6. In their twenty-third paragraph the Government of India invite suggestions regarding the discussion of the budgets in Imperial and Provincial Councils. The change chiefly needed seems the suppression as far as possible of written speeches and the substitution of debates in the conversational style. At present the budget discussions are no more debates than penny readings are. Those members alone who do not know English should be allowed to furnish written abstract translations of their speeches. The rest should be required to speak as members of European Parliaments speak, with the aid of notes only. India can probably furnish shorthand writers quite capable of reporting and of grammatically revising such speeches.

No. 1958/XV—726, dated the 3rd January 1908.

From—A. L. SAUNDERS, ESQ., *Commissioner, Lucknow division,*

To—Chief Secretary to Government, United Provinces.

SIR,—In reply to your letter no. 1520, dated the 7th October 1907, asking for opinions on the proposed expansion of Imperial and Provincial Councils, I have the honour to say that I consulted the Deputy Commissioners of Lucknow, Kheri, Rae Bareli, Sitapur and Hardoi, but have only received replies from the two latter, of which I enclose copies. As the time fixed by Government for an answer has elapsed, I do not wait for further replies.

2. As regards the constitution of the Provincial Advisory Council I think that the nomination to this council had better remain in the hands of His Honour the Lieutenant-Governor without fettering his discretion as to selections, except of course that the Imperial Advisory Councillors would, as stated in paragraph 6 of the Government of India's letter, be members. Apparently the Imperial Council is to be appointed in this manner, the only restriction on His Excellency the Viceroy's selecting being that about one-third are to be ruling chiefs. For the Provincial Council the right of membership might be reserved to the Raja of Tehri, the Nawab of Rampur, the Maharaja of Benares, and the President of the British Indian Association. Otherwise I think there should be no restriction.

3. As to the Provincial Legislative Council the number suggested in your letters enclosed seems suitable. The representation of the different interests enumerated also seems open to no objection except, perhaps, the representation of the lesser municipalities and of district boards. There is, I think, an object to be gained by giving a representative to a specified important city, such as the six towns enumerated, but a group of local bodies, either towns or districts, seems to me a most unsatisfactory constituency. There is no common interest and no local solidarity and the election falls into the hands of the professional politician. Both large towns and district boards will obtain representation otherwise, through both non-official and official members. This objection of course does not apply to the adaptation of the electoral registers of municipal or district boards for the purpose of elections to the councils.

4. It would be better, I think, to extend the system of class representation, which is more suited to this country. A class to which, I think, specified representation should be secured is the Army. One member of the Legislative Council should be a pensioned native officer. It is a most important class and they will never canvass for election. The Eurasian and Native Christian community should also be represented.

5. I agree in the suggestion made at the end of G. O. no. 1514, &c., dated the 7th October, that the existing franchises for both municipal and district boards should be retained, and additional qualifications proposed for the Provincial Legislative Council. The former are conceivably open to improvement, but, if so, it would be better to deal with the question from the point of view of the fitness of the constitution of those boards for their proper functions. The additional qualifications should, as suggested, be (*a*) residential, (*b*) the payment of land revenue or income tax, for rural or urban representatives respectively.

No. 1560/XV—27, dated the 24th January 1908.

From—W. R. PARTRIDGE, ESQ., *Offg. Commissioner, Gorakhpur division,*

To— *Chief Secretary to Government, United Provinces.*

SIR,—In reply to your no. 1520/III—416, dated the 7th October 1907, I have the honour to enclose copies of the opinions submitted by the district officers of this division as per margin.

No. 496/XII—240 (VIII), dated the 22nd November 1907, from the Collector of Gorakhpur.
No. 957/XV—2, dated the 15th December 1907, from the Collector of Basti.
No. 66/XV—5, dated the 20th January 1908, from the Collector of Azamgarh.

The delay in receipt of the Azamgarh reply accounts for the delay in the submission of an answer to your letter.

2. I agree generally with Mr. Molony's views, with the exception of paragraphs 8 and 11 of his letter. His apprehensions seem to me groundless. The Government of India would not propose such a measure as the introduction of an inconvertible paper currency without the sanction of the Secretary of State first obtained, and he would not direct or sanction the introduction of such a measure unless there were sufficient reasons for it.

3. *Paragraph* 3 *of G. O. no.* 1514/*III*—416, *dated the 7th October* 1907.—I can suggest no alteration in the composition proposed, but I think paragraphs 5 and 6 of Mr. Crawford's letter deserve consideration.

4. *Paragraph* 4 *of G. O. no.* 1514/*III*—416, *dated the 7th October* 1907.—As regards the qualifications for electors and candidates for seat on district boards, I think it will be generally admitted that the elections of members of district boards have been hitherto very much in the nature of a farce. The electors in each tahsil are a very small number, and there is practically no competition whatever for election.

As far as my experience goes, the retiring members are generally re-elected without a contest.

District board's powers have been lately largely extended, and if it is desired to make them really representative, the number of electors might be considerably increased.

At present the electors are "a number fixed by Commissioner on recommendation of the district magistrate (25 to 100) of persons literate, not less than 21 years of age, and residing or owning landed property and carrying on business in the tahsil, selected by the district magistrate on consideration of their position, interest and influence in the tahsil."

The Government order of 6th June 1906, quoted on page 52 of District Board's Manual, says that in all ordinary tahsils the number of electors ought to be at least 50.

I suggest that in all ordinary tahsils the number so nominated should be at least 100 and that in addition all village headmen, who are able to read and write, be given a vote.

These men are presumably men of some importance in their villages, or at any rate they ought to be, for rule 6 on page 167—VI, Manual says—

"In appointing village headmen the magistrate shall have regard to character, position and influence."

Government have been looking about for some way of making the position one of some little honour, and this seems an opportunity.

How many of the village headmen in these provinces are able to read and write is a question which at present nobody is in a position to answer with exactitude.

I should imagine that on an average at least 200 per tahsil in these provinces can do so.

If that be so, the electorate for each tahsil for the district board would be at least 300 instead of somewhere between 25 and 100.

Of course it is possible that if such a change were made, the electors would still take no interest whatever in the elections, but we should at least have given them the chance.

Every man entitled to vote at election to the district board should, I think, be, as at present, eligible for election as a member of the district board.

I would retain the existing franchise for municipal boards and also the qualifications laid down for candidates for such boards.

For representatives of district boards on the Provincial Legislative Council, a residential qualification and a proprietary qualification consisting of the payment of Rs. 2,500 per annum land revenue, might be required. If it be thought that this limit is too low, I reply that there is no necessary connection between the amount of land revenue a man pays and his good sense and general capacity as a representative of the public or a section of the public on a legislative council. Take, for instance, Shaikh Inayat-ullah, talukdar of Saidanpur in Bara Banki district. A qualification of Rs. 5,000 annual land revenue would, I think, shut him out, but no one who knows him can deny his intelligence and shrewdness.

For representatives of municipal boards on the Provincial Legislative Council, a residential qualification and a proprietary qualification, taking the shape of the payment of Rs. 2,500 land revenue or of income tax on not less than Rs. 4,000 per annum would, I think, be suitable.

5. *Paragraph 5 of G. O. no. 1515/III—416, dated the 7th October* 1907.—The suggestion in the first sentence of this paragraph seems to me the best arrangement practicable. I agree with the last sentence of paragraph 5 of Mr. Crawford's letter. For the representatives of the landowners on the Provincial Legislative Council, I consider a residential qualification and the payment of Rs. 5,000 per annum land revenue would be suitable. It appears to me unnecessary (paragraph 8 of Mr. Crawford's letter) to divide up the landowners in the province of Agra into two separate electoral bodies. If any leading landowner of the eastern part of the provinces is left out in the cold and would be useful on the council he could be nominated by Government, as one of the "two others nominated by the Government."

Paragraph 5 of G. O. no. 1516/III—416, dated the 7th October 1907.—I think the payment of Rs. 5,000 per annum land revenue would be a suitable qualification for the electors to elect the representative of the landholders in the province of Agra.

The higher the limit the smaller the electoral body, and as the Government of India say that their object is to bring "all classes of the people into closer relations with Government and its officers," I think that the larger the electoral body the better so far as is consistent with the object in view, *viz.* the representation of a certain class of the community.

6. *Paragraph 5, G. O. no. 1518/III—416, dated the 7th October* 1907.—Here, too, for the reason just given, I should prefer the larger to the smaller electorate, and therefore I prefer the limit of Rs. 10,000 land revenue or Rs. 10,000

income for the purposes of income tax to the Rs. 25,000 limit. In addition there is the further consideration that the larger the number of voters the more difficult wire-pulling becomes, and the less wire-pulling we have the better.

7. *Paragraph 6 of G. O. no. 1518/III—416, dated the 7th October 1907.*—Here, again, the same consideration comes in. For (*c*) I suggest "Muhammadans paying land revenue of Rs. 2,500 or over," and for (*d*) "Muhammadans paying income tax on Rs. 4,000 or over."

8. *Paragraph 22 of the Government of India's letter.*—I am opposed to these suggestions. We are presumbly not acting on the principle of "*Divide et impera*," and should rather encourage the obliteration of religious, racial, caste and occupational divisions, instead of emphasizing and encouraging them by splitting up the electorate into the watertight compartments suggested. I agree with the opinion expressed by Mr. Crawford in paragraph 4 of his letter, but my own opinion was written some days before his letter reached me.

No. 1834/XV—107, dated Benares, the 19th December 1907.

From—H. V. LOVETT, ESQ., *Offg. Commissioner, Benares division,*

To—Chief Secretary to Government, United Provinces.

SIR,—In reply to your circular no. 1520/III—416, dated the 7th October 1907, I have the honour to submit herewith a letter from His Highness the Maharaja of Benares and to state that my own views are as follows.

2. It is proposed to form an *Imperial Advisory Council*, consisting only of ruling chiefs and territorial magnates—of those who are the natural leaders of the peoples of India and have the largest stake in the country. A Brahman gentleman in Government service whom I have consulted in this connection observes—

"In Advisory Councils of olden days there were men of wisdom like Viswamitra and Vasishta and Abul Fazal and Faizi. I as an orientalist cannot help thinking that no council can be perfect unless there is in it an element not only of power, as in the present proposal, but of wisdom and sagacity, too, as distinct from power. This only can allow men of the type of the late Sir Syed Ahmad—a voice in the council as a councillor."

His Highness the Maharaja of Benares writes—

"I would like to include in it (the Inperial Advisory Council) such other persons of note who, although neither ruling chiefs nor territorial magnates, are still looked on by the people with equal, if not greater, respect and who know more of the country and wield greater influence over the people than the princes themselves. I would also associate with them some of the merchant princes and the pioneers of commerce and industry . . . His Highness Agha Khan is neither a ruling chief nor a territorial magnate, but his influence among his people and the respect which he commands in the country far exceed those which a ruling chief possesses. The late Sir Sheshadri Iyer of Mysore, the late Sir Saiyid Ahmad, Baba Khem Karan Bedi of the Punjab, and many others might be so instanced."

3. The Maharaja goes on to propose that on the Imperial Council 15 seats be allotted to ruling chiefs, 25 to territorial magnates, five to noblemen in native states, eight to "merchant princes and pioneers of industry and commerce (both native and European), and seven to specially qualified persons of note." The last seven to be elected by the 53 other members and appointed after the approval of the Governor General.

4. Other Indian gentlemen whom I have consulted seem to think that the landed interest should not be the sole interest represented in the Imperial Advisory Council, and I am myself of opinion that the best plan would be to reserve a certain number of seats on that body for persons of note and influence who are neither territorial magnates nor ruling chiefs, but have been specially selected by His Excellency the Viceroy on account of their character and pre-eminence. Otherwise I approve of the Council as proposed. I would refer you to paragraph 4 of the letter from His

Highness the Maharaja of Benares enclosed. It is obvious that Imperial advisory councillors would have the powers suggested in that paragraph. In fact such persons as would become councillors possess them now.

5. The constitution of the proposed *Provincial Advisory Councils* is to be much more democratic. They are to be assemblies where great landlords and talukdars may find themselves sitting next to and arguing with lawyers, merchants, and school masters. The Government of India consider it essential that "smaller landholders, industry, commerce, capital and the professional classes should be included in these councils." There are also to be non-official Europeans, and the whole association is to offer its most valuable opinions in collective deliberation.

6. The following are the noteworthy criticisms on these proposed councils which have been offered by Indian gentlemen whom I have consulted :—

(*a*) that the powerful religious interest of India find no voice thereon ;

(*b*) that there should be no Government official presiding over their deliberations and no Government secretary recording their proceedings and conclusions.

These are the observations of His Highness the Maharaja of Benares, who adds—

"I would leave them free to choose their president and secretary, as free discussion will not be possible in the presence of Government officers."

7. I doubt if such a mixed assemblage as that foreshadowed by the Government of India would be suitable to present conditions or would serve the purpose intended. I cannot imagine some of the territorial magnates who are to form its nucleus doing much more than sit silent throughout its deliberations. Individually no doubt they would be glad to give free opinions, but they are generally unused to argument and discussions with those who are much their inferiors in rank or social status. As Provincial Advisory Councils are to be formed, I would give to Lieutenant-Governors the fullest discretion in the nomination of their members. I would not require the Local Government necessarily to go beyond the aristocracy and the really influential representatives of the commercial and professional classes.

Should there be a pre-eminent representative of any religious community, who interests himself in public life, he should be eligible. The following might compose the Advisory Council of these provinces :—

(*a*) Representatives of the talukdars of Oudh	6
(*b*) Representatives of the landholders of the Agra province	8
(*c*) Representatives of the commerce and industries of these provinces ...	5
(*d*) Specially selected by Government	6

I would not necessarily attach supreme importance to collective deliberation.

8. The suggestion of His Highness the Maharaja of Benares to make the council a body holding its meetings independently, with a Government secretary in attendence, appears to me to fail to appreciate the true object of these advisory councils, which is to foster a spirit of co-operation between the governors and the governed. Nor do I in the least see why persons of the stamp to be selected as councillors should fear to speak their minds freely at such meetings so long as their intentions are honourable and straightforward.

9. The proposed constitution of the *Imperial Legislative Council* is, I think, well devised. I would suggest that representatives thereon of the great landholding classes should be appointed by nomination and not election. Nomination would commend itself to the persons most concerned and would be in consonance with their traditions and ideas. *Moreover, it would be more likely to secure the best men available.* It may, however, be considered by higher authority that election is desirable ; and in that case the proposal of His Honour the Lieutenant-Governor to elect from Agra and Oudh alternately is obviously the best solution of the problem. In Oudh the British Indian Association would make its election by nomination. In Agra the Northern India Landholders' Association cannot well do the same, as it is not, so far as I know, a stable working society. Moreover, I believe that it includes persons who have little or no title to be considered representative landholders. If, therefore,

landholder councillors are to be appointed after election, I would recommend the formation of a landholder electorate for the Agra province, a high proprietary and residential qualification being exacted. This seems to me the only alternative to nomination, although on looking over the list of landholders of this division who pay a revenue of Rs. 10,000 or over I was startled to see how poor it is in names which indicate even mediocre education or capacity. The representative of provincial landholders, however selected, should be himself a large landholder. I am hardly in a position to offer an opinion on the Muhammadan electorate suggested by His Honour the Lieutenant-Governor.

10. In regard to the discusion of the budget in the Imperial Legislative Council some criticisms of Sir Edward Law, which appeard in the *Pioneer* of October the 24th, appeared to me worthy of consideration, but this is a matter on which my observations are superfluous.

11. Last of all I come to the *Provincial Legislative Councils*, and here to get to the root of the matter it is advisable to examine the working of our present municipal and district board elective system. My own experience of this has convinced me that it fails generally to bring to our municipal boards the real leaders of the people. It attracts too often little more than the pleader, the would-be demagogue, the nonentity who wishes to gain importance from membership, the office clerk, and other such like persons. With here and there an exception, in any time of trial the influence of these men counts for little or nothing with the people whom they are supposed to represent and, indeed, is hardly exerted. As intermediaries between Government and its subjects they are often worse than useless.

12. Again, I have seen a board swamped and too much influenced by a predominant Hindu element the leaders of which belonged to the advanced party of politicians. There were a few Muhammadans, but these with one exception appeared to me to have only procured election by permission of the Hindus. However this may be, they were certainly as a rule afraid to open their mouths in opposition to the latter. The only man of any apparent backbone among them was a Government clerk who had been won round by the advanced Hindu members and almost invariably worked with them. The consequence of all this was that constant watchfulness was required to prevent jobs and schemes which were intended to promote the exclusive interests of the majority. On one occasion I had to strongly intervene to prevent the perpetration of gross injustice.

13. On district boards there are always a good proportion of sub-divisional Government officers, and these bodies as a rule do little more than register the wishes of their chairmen. The non-official members are generally useless for any purpose whatever except the above. They are in fact, although not nominally, elected from the nominees of the tahsildars, and well qualified persons may very possibly be omitted from the latter. Moreover, the electoral groups are only a *small* section of the community. In a district where the bulk of the inhabitants are Hindus there may be a preponderance of Musalmans on the board because the big landholders are mostly Musalmans. In Benares the electoral body is manipulated through the larger landholders, who mostly live in the city, and the majority of the members of the board are lawyers or towns people who care little or nothing about the district.

14. My experience leads me to think that the qualifications prescribed for electors and candidates for municipal boards are, as a rule, too low and that class representation is sometimes required. Moreover, the qualifications for candidates should be higher than those for electors. The qualifications for electors in Allahabad, for instance, seemed to me absurdly low, and I would particularly instance that board as one on which class representation is desirable. It must always be remembered that genuine independence of character is rare in this country, and that minorities require special protection on any board here which is not really dominated by its chairman. I would raise the qualifications in Allahabad and other places for both electors and candidates, and in each instance I would consider how far *class representation* based on the principle that each group of electors should elect candidates from its own group is

desirable or might be introduced. It should then perhaps be possible to procure more real representation of diverse interests and to prevent the danger of a capture of a board by a few schemers. On some boards of course the various classes of the c om- munity *are* sufficiently represented.

15. Another defect in municipal electoral systems lies in the registration of voters. In some municipalities not a tithe of those entitled to vote are ever registered at all. Mr. Radice writes of Benares ; " Registration is entirely in the hands of the sitting members, and they usually take care that only those voters should be registered who will vote as they are bid. The result is that the members of the board become a close corporation, to which they can admit or from which they can exclude whomsoever they choose. If registration were once for all placed in the hand of disinterested persons, *e.g.* officials, the rules would not need much alteration. Here and there it might be necessary to alter the electoral areas so as to secure the representation of a particular class, but this would seldom be necessary. Here in Benares, for instance, a Hindu city *par excellence*, the Muhammadans always secure a very fair representation as they have practically two wards at their disposal. . . . A judicious arrangement of the ward boundaries can usually secure the representation of any particular class."

16. In regard to district boards a proprietary and residential qualification should give a vote for the election of members. The system of nominating electors should be discarded. Mr. Radice has suggested that the qualifications should be—

" All residents of the district who pay or through whom is paid Rs. 200 or more of revenue.

" All residents, exclusive of those who reside within municipal limits who pay income tax.

" All honorary magistrates who have jurisdiction in the district, exclusive of the municipality.

" All ' protected ' tenants who pay Rs. 400 or more rent."

He lays stress on the desirability of " excluding city traders and bankers, who might otherwise swamp the electoral group."

17. If the principle be admitted that a district board electorate based on some such lines with residential and proprietary qualifications is desirable, the terms for its constitution will be subsequently discussed, but I agree generally with his proposal. I also agree with him in thinking that the qualifications for candidates should be materially raised. I would suggest that candidates must be electors who are either—

(*a*) honorary magistrates,

(*b*) or pay not less than Rs. 1,000 revenue,

(*c*) or pay not less than Rs. 2,000 rent,

(*d*) or pay an income tax not below Rs. 100.

Some such scheme as this might procure district boards of capacity, to sit on which would confer distinction.

18. With electorates for municipal and district boards reformed on lines above suggested, the electorate for the Provincial Legislative Council should be materially raised and less easily influenced by wirepullers and pecuniary considerations than it is at present credited with being. The qualifications for candidates for these councils should be residential and proprietary. The limit of proprietary qualification should not be below an annual income of Rs. 5,000 or the payment of revenue to an equal amount, as Mr. Radice suggests. He also urges that candidates should be members of the boards which elect them. In this connection he writes :—

" I consider that a provision of this kind would have a most excellent effect. It would, I believe, secure for the council men who have had actual experience of local needs and of some of the difficulties of practical administration, and it would add attraction to the membership of the boards—an attraction which would, I think, work for the good of local administration, in which few really big men ever take much interest. The objections to this proposal are unfortunately many. If the proprietary qualification is made much higher than necessary for a membership of the boards, the choice of a candidate for the council may be undesirably limited ; if it is made the

same, persons who have not sufficient means or status to render them independent may be elected. A return showing the income, as far as can be ascertained, of members of district and municipal boards as at present constituted might afford a guide; without this it is difficult to say whether the suggestion is practicable. I consider it, however, none the less desirable."

It would, I think, be desirable to stipulate that representatives of municipal or district boards on the Provincial Legislative Council should have had at least three years' municipal or district board experience in these provinces. Such a stipulation appears to me reasonable enough, and should undoubtedly tend to raise the tone and prestige of our boards.

19. The only criticism which I would offer regarding the composition of the Provincial Legislative Council as proposed by His Honour the Lieutenant Governor is that the representative of the landholders of Agra should be a resident landholder himself with a high proprietary qualification. He should, in my opinion, be selected by nomination; but if he must be elected, he might be chosen by the landholder electorate which appoints to the Imperial Legislative Council. He should be a resident landholder of considerable estate.

20. Similarly in the case of Muhammadan candidates a residential qualification should be essential. An Indian gentleman whom I have consulted urges that "Indian capitalists, merchants and tradesmen should have a representative on the council." He writes: "The Chamber of Commerce, Cawnpore, has been allowed to elect a member for the council, but it is believed that the said Chamber represents the European interest . . . . As the interest of the one class often clashes with another, the Indian capitalists, merchants and tradesmen should have a fair claim for representation on the Council."

I see no objection to the adoption of this proposal.

21. In conclusion, the Collector of Benares writes: "I have taken the opportunity of discussing the proposals of the Government of India with many people, but have been unable to elicit anything very illuminating. Many of the criticisms were of the type of those to be seen every day in the vernacular or Anglo-vernacular press. The suggestions, however, may be mentioned. One is that the advisory councils should be called together at least once a year to listen to a general exposition of the policy of Government, and another that the advisory councils should be empowered to meet *suo motu*."

To the former proposal I see no objection. The policy of Government is at present expounded by the Lieutenant Governor at the budget meeting of the Legislative Council. The latter proposal appears to me somewhat similar to the proposal of the Maharaja of Benares that the meetings of the advisory council should not be under the presidency of His Honour the Lieutenant Governor or a Government official. This council is the council of the Administrative Head of the provinces. It is he who should convene it and preside over its meetings. It would of course always be open to individual members to suggest to him that a meeting might be called.

No. 496/XII—240 (VIII), dated the 22nd November 1907.

From—E. A. MOLONY, ESQ., *Collector of Gorakhpur*,

To—*Commissioner, Gorakhpur, division.*

SIR,—With reference to your no. 295/XV—27, dated the 22nd October 1907, on the subject of the proposed constitutional changes, I have the honour to give my opinion as follows.

2. There is no doubt whatever that it is advisable that the Government of India should have a better machinery than at present exists for ascertaining the general desires of the people on the matters of importance that arise from time to time and of making understood the reason for various measures concerning which misconceptions have arisen and are in future likely to arise.

3. If the proposed measures are likely to tend towards the attainment of these objects they are distinctly a step in the right direction.

4. I have no doubt whatever that the representation of minorities as aimed at in the proposals is a very wise and statesmanlike measure.

5. Taking first the proposed advisory councils. I think that it is doubtful policy not to invest them with formal powers of any sort. There is no doubt that in the eyes of the public the official status of any person depends very much on the powers and responsibilities committed to him, and I think that the absence of formal powers will seriously affect the dignity of the position of advisory councillors especially as it appears that the conferences will be private and confidential.

I think it would be better to have a portion of each session, at least, public matters of a delicate nature being reserved for confidential deliberation.

The publication of the proceedings of the public sessions would bring the conferences before the public and, I think, raise the status of the councillors.

6. I think, [moreover], when a body or an individual has been asked to advise on any particular matter and has tendered the advice asked for, that body or individual is entitled to receive in reply the reasons of the executive for not following that advice or an assurance that the advice was being, or would be, acted on when possible.

I think that some mention of this matter might be made in the proposals as a nguarvete that the advisory councils would be taken seriously.

7. It is probable that the advisory councils will not consist of advocates of revolution or sedition or dangerously rapid changes, and I would suggest that they be given the right of making suggestions. Suggestions by individual members might first be made to the president confidentially. Some suggestions would no doubt be carried out and others could be shown to be unnecessary or impossible to the satisfaction of the member making it. The remainder might be brought on to the agenda for the collective meeting and could be classed by the president as suitable for the confidential or the public sessions.

In this manner I think that a fair number of reasonable and moderate proposals would receive the seal of support by a public body representative of the opinions of the vast body of the people who are opposed to violent or revolutionary changes, bu who would be glad to see improvements where possible in the administration.

The resolutions of the executive that would doubtless be published for public information on the public resolutions of the advisory councils should serve to explain to the public the reason for the policy of the Government.

8. In paragraph 10 of the resolution of the Government of India the necessity for maintaining an official majority is laid down. This principle is very good in its way, but it is capable of being pressed to unnecessary lengths.

If the official members are held to be bound by the "mandate" theory it seems to me that the legislative councils may as well be made advisory. Supposing, for instance, that a modern Muhammad Tughlak were to rise to a position which enabled him to propose an inconvertible paper currency, I take it that if the "mandate" theory were carried to its ultimate conclusion, much damage might be caused.

I think that in the maintenance of the executive power some check should be placed on the possibility of too great centralization of that power.

9. *Paragraph* 14 *of the letter of the Government of India.*—I think a landt revenue of Rs. 10,000 per annum would be a fair qualification for a voter for the Imperial Council, and I think that the representative might be chosen alternately from Agra and Oudh.

10. *Paragraph* 18 *of the letter of the Government of India.*—I think that an income of Rs. 10,000 should be the qualification for the Musalman electorate for the Imperial Legislative Council.

11. *Paragraph* 21 *of the letter of the Government of India.*—There is no doubt that the question of the municipal franchise requires consideration. I do not think that the district board franchise requires any alteration.

12. I am not in favour of making the constituencies consist of homogeneous occupational groups. In this district at least the Musalmans have a fair representation

on the municipal board, and it is not necessary to divide the constituencies by religion. Here fortunately the Hindus and Musalmans get on amicably together.

13. In the municipal franchise the crying necessity is, I think, to make the ballot a reality. At present the system styles itself voting by ballot, but it does not in any way safeguard the secret of how a man has voted.

In many places I fear the result is that the voters are more influenced by the power of a candidate to make himself unpleasant than by their opinion of his capacity to administer local affairs. Occasionally cases occur when men of most notorious bad character get on to the boards to the great discredit of the system of local self-government. Good men of course shun membership under such circumstances.

I am further of opinion that all illiterate voters should be disfranchised.

14. For the constitution of the Provincial advisory council I would suggest—

(*a*) the Imperial advisory councillors belonging to the province;

(*b*) an equal number of men chosen from the list of darbaris and title-holders;

(*c*) a representative from the railways;

(*d*) two or three representatives from each of the following interests—

(i) manufacturers,

(ii) other capitalists or traders,

(iii) universities,

(iv) the professional classes;

(*e*) one or two more representatives when required for any unrepresented minority that should have a representative.

No. 745, dated Allahabad, the 23rd December 1907.

From—*The* Hon'ble Mr. B. Lindsay, *Secretary, Legislative Council and Legal Remembrancer to Government, United Provinces,*

To—*Chief Secretary to Government, United Provinces.*

Sir,—In compliance with the request contained in your letter no. 1519/III—416, dated the 7th October 1907, I have the honour to submit herewith a note of my opinion on the proposals relating to the establishment of Imperial and Provincial advisory councils, and the enlargement of the Imperial and Provincial Legislative Councils.

Note.

I.—The Provincial Advisory Council.

The scheme outlined in paragraph 6 of the Government of India's letter contemplates the constitution of a Provincial advisory council which is to be, as far as possible, representative of all the important interests in the province.

In considering the introduction of a scheme of this nature into the United Provinces we ought to bear in mind that these provinces include two areas which, though grouped together for purposes of administration, are nevertheless, from the point of view of their respective histories, in many ways distinct.

The province of Oudh has been in our occupation for just fifty years, and the circumstances under which we assumed possession rendered it necessary to provide for it a special system of land tenure, and a code of personal law which, in so far as it affects the body of large landed proprietors, is altogether different from the ordinary Muhammadan and Hindu law which obtains in the province of Agra.

Economic conditions, too, vary in these two areas. Oudh is at present a purely agricultural province; industrial and commercial enterprise is, so far, confined to the province of Agra.

It seems necessary, therefore, to postulate that in any scheme involving representation the province of Oudh should have special representatives of its own.

Again, we have the very large area of Kumaun, in which the conditions differ entirely from those of the provinces of Agra and Oudh. Its inhabitants constitute

a class by themselves: it has a distinct system of land tenure of its own, and a personal law which has its own peculiarities.

As yet a backward province it is not materially affected by the administrative measures applied to other portions of the United Provinces; but its assimilation to the rest of the provinces in the matter of administration is only a question of time, and when this problem is attacked it would be of the greatest advantage to have a representative of Kumaun on a council which would presumably be consulted in the matter.

According to the proposals of the Local Government the Provincial advisory council for these provinces is to consist of 25 members, amongst whom would be included the provincial representatives nominated to the Imperial advisory council. The number of these representatives is not stated; but if we assume the number to be four we are left to consider how the remaining 21 seats on the Provincial council should be distributed.

Having regard to the population of the areas, and the importance of the different local interests to be represented, I would suggest that these 21 seats should be allotted as follows:—

To Agra	14
To Oudh	6
To Kumaun	1

The interests of the great landholders of the provinces as a whole are sufficiently provided for by assigning to them the four seats to which they will be entitled as members of the Imperial advisory council, and we have only to provide for the other interests which are referred to in paragraph 6 of the Government of India's letter.

In the case of Oudh we may leave out of consideration industrial and commercial interests; and of the six seats reserved for this province, five might be apportioned to representatives of the minor landed gentry and one to a representative of the professional classes. Of the five seats assigned to minor landholders three might go to Hindus and two to Muhammadans.

In dividing three seats available for Hindus it would be advisable to provide as far as possible for caste representation. The majority of the minor Oudh proprietors belong to the Thakur class, but there are landholders of other castes whose opinions would be of value. There ought to be no difficulty in selecting the representatives of the minor talukdars and zamindars of Oudh. We know who the educated and influential members of this class are; and we can also avail ourselves of the advice of the British Indian Association, which is the recognised mouthpiece of talukdari opinion.

In the case of the Agra province we have a greater diversity of interests to deal with. In the case of the landed proprietors we have representatives of castes which are not included in this category in Oudh. The Jats, for example, are a numerous body in the western districts and have at least one influential member in the person of the Raja of Mursan. Similarly in the eastern districts the Kurmis, a numerous body, have a leader in the Rai of Padrauna (Gorakhpur district).

If we assign six out of the 14 seats for the Agra province to representatives of the minor landed interests, we might so arrange as to have one representative from each division. Four seats might be given to Hindus and two to Muhammadans, representation by castes being secured as far as possible in the case of the Hindus. We are left then with six seats to be divided among the other interests which are entitled to representation.

In considering the allotment of these seats I find it difficult to suggest what other interests than industry and commerce could be represented by non-official Europeans whose inclusion in the council is made a point of by the Government of India. At the present time there are no Europeans in these provinces that I know

of holding substantial landed interests except a few grantees in the Basti and Gorakhpur districts, and those, I believe, are now absentees. Possibly it would be advisable to have one non-official European as a representative of the educational interest. On the whole I should say the eight seats might best be allotted as follows:—

(*a*) Three to representatives of industry and commerce, one of whom should be an European.

(*b*) Three to representatives of education, one to be an European.

(*c*) Two to representatives of the professional classes.

To sum up, the constitution of the Provincial Advisory Council which I suggest is as follows:—

(*a*) Oudh—				
(i) to represent minor landed interests	...	...	5	
(ii) to represent professional classes... ...	...	...	1	
				— 6
(*b*) Agra—				
(i) to represent minor landed interests	...	...	6	
(ii) to represent industry and commerce	...	...	3	
(iii) to represent education	...	...	3	
(iv) to represent professional classes ...	...	...	2	
				— 14
(*c*) Kumaun	...	...		1
(*d*) Members of the Imperial advisory council	...	...		4
		Total ...		25

II.—The Imperial Legislative Council.

According to paragraph 12 of the Government of India's letter there are to be eighteen elected members on the Imperial Legislative Council, of whom two will be representatives of the Chambers of Commerce of Calcutta and Bombay. The others are to be elected by various classes in the different provinces.

(*A*).—The non-official members of each Provincial Legislative Council are to have the privilege of sending one member to the Imperial council.

In the case of the United Provinces it is proposed to have seventeen non-official members on the Provincial council, and I think there is no need to seek an electorate outside this body. The candidate should be himself a member of the Provincial council, and membership should be the qualification for voting.

(*B*).—*Representation of nobles and great landowners.*—The proposals of the Local Government are that the member of this class to be returned to the Imperial council should be selected alternately from Agra and Oudh; that in the case of Oudh the representative should be the nominee of the British Indian Association, and that in the case of Agra he should be elected.

To these proposals there cannot, in my opinion, be any objection.

The question then remains as to the constitution of the electoral body in the Agra province to which the task of selection would be entrusted.

It seems necessary to fix a high proprietary qualification for this franchise, and the Government of India express the opinion that the minimum standard of qualification should be the payment of Rs. 10,000 a year Government revenue.

If we accept this as a reasonable standard the electorate in the Agra province will number 283.

If payment of Rs. 25,000 a year land revenue be set up as the standard, the number of qualified electors is reduced to seventy-two. By adopting the higher standard we obtain one advantage in facilitating the process of election.

The lower standard will, on the other hand, provide for that wider representation which the whole scheme of enlarged councils is designed to secure, and for this reason I am in favour of the adoption of Rs. 10,000 limit. I do not think that an electoral list of 280 odd is too large in the case of large landed proprietors.

Another reason why I advocate this standard is that in the case of Muhammadan representatives I propose that the qualification should be the same.

One point will have to be decided which is not mooted in the letter of the Government of India, *viz.* whether or not the right to vote is to be given to females as well as to males. Out of the 283 landed proprietors in the Agra province paying Rs. 10,000 a year revenue and upwards at the present time no less than thirty-nine are females. This number is not of course likely to remain constant, and the fact that at a given time the person in possession of a large revenue-paying estate is a female is a matter of accident pure and simple. There will, however, always be females who, if the only qualification is to be the payment of land revenue, will be entitled to a vote. The usual arguments *pro* and *con* in the problem of female suffrage may be advanced in support of either proposition. But as the object is to secure the representation of an influential class, I think it would be only fair to allow a female vote in this case, subject of course to any safeguards which might be deemed expedient in order to prevent the exercise of undue influence.

In paragraph 15 of the Government of India's letter it is suggested that there may be objections to the adoption on the principle of election in the case of a heterogeneous body of landowners scattered over the entire area of a province. I see no reason for apprehending that an electoral body composed of landed proprietors possessing the qualification proposed would fail to return a suitable representative. I think we ought to assume, until experience has proved the contrary, that the proprietors of large estates have sufficient independence to enable them to resist any attempt to coerce their opinion; while the fact that the electorate is distributed over a large area appears to me to negative rather than to confirm any theory that there will be an opportunity for the exercise of improper practices.

The wirepuller finds greater scope for activity among an electorate which is confined to a small area.

(*C*).—*Muhammadan representation.*—There are to be two elected Muhammadan members of the Imperial Legislative Council. The proposals of the Government of India as to the method of election are to be found in paragraph 18 of its letter. The intention appears to be that each of the six specified provinces should elect two representatives in turn.

As an improvement on this plan I would suggest that on each occasion, when the council is being constituted or reconstituted, two of these provinces should be allowed to return one representative each; and that the other two seats reserved for nominees should be divided among the four unrepresented provinces. In this way we should ensure the representation of four out of the six provinces on every Imperial council.

As regards the Muhammadan electorate the suggestion is that it should consist of—

(*a*) Muhammadan non-official members of the Provincial councils;

(*b*) Muhammadan fellows of the local University;

(*c*) Muhammadans paying income tax upon an annual income of Rs. 25,000 or an amount of land revenue which would indicate a corresponding income.

I agree that the classes mentioned in (*a*) and (*b*) should have the right to vote. As for (*c*) we can in these provinces compile a list of voters who would be qualified for the franchise on the terms set out above, but the list would be a small one. The standard of Rs. 25,000 appears to me to be pitched too high,—much too high in the case of Muhammadans, who are not a wealthy community.

I am in favour of the alternative standard proposed by the Government of these provinces, *viz.* the payment of Rs. 10,000 a year as land revenue or the payment of income tax on the same amount. This would give us an electorate of about two hundred a sufficiently large (but not too large) body, which would fairly represent the enlightened opinion of the Muhammadan community.

III.—The Provincial Legislative Council.

Paragraph 20 of the Government of India's letter lays down the cardinal principle to be observed in the constitution of provincial legislative bodies, namely that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained.

It is pointed out that the present system has failed to secure representation on these lines, and that the defect lies in the methods by which elections are made to the municipal and district boards, the constitution of which determines, to a great extent, the character of the provincial councils. To this defect is attributed the undue predominance of the professional classes in the legislative councils.

Treated in the abstract, the proposition that a legislative body should be as widely representative as possible is one the truth of which no one would be concerned to deny. Legislation assumes many shapes and affects a large variety of interests in which particular sections of the community are vitally concerned, and measures of law which have received the stamp of approval from representatives of the classes which are to be affected by them are those most likely to achieve their object.

An ideal legislative assembly would comprise representatives of all important sections of the community, but in India such an ideal appears to me to be for the present unattainable. We cannot entrust the discussion and approval of legislative measures to persons who have neither the intelligence nor education to qualify them for the task. It follows, therefore, that the uneducated classes must remain without any direct representation in a council the function of which is to pass laws. For the present the only course appears to be to leave the representation of such sections of the community to the official members whose duty it is to safeguard the interests of all classes.

With regard to the constitution of municipal boards and the influence exerted by such boards on the character of the council, I am not disposed to hold that we have any substantial grounds for interfering with the present system of municipal elections. The *raison d'être* of municipal boards is not to furnish members for a legislative assembly, but to regulate and administer parochial affairs. Municipal boards are concerned with matters affecting the community individually and not by classes, and I fail to see how any principle of class representation can properly be applied in the election of such bodies. I believe I am right in saying that in these provinces it has been left to the municipalities themselves to determine who of the inhabitants shall have a right to vote at municipal elections. As Government has hitherto refrained from laying down any general rules to regulate the qualifications for electoral franchise in municipalities it may well be doubted whether it is expedient to intervene now. Again, it is difficult to conceive how any rules of general application could be laid down in this matter. There are great diversities in the circumstances of municipalities, and it would be impossible to apply to a small municipality in a rural district the standard which might fairly be laid down for a populous town municipality. These remarks apply alike to qualifications for the right to vote and to qualifications for candidature.

It is admitted that the problem of municipal franchise is an intricate one, and it seems to me advisable to leave the present system of municipal election alone as long as it serves in an adequate manner the purpose for which it was directly intended.

On the other hand, when we come to consider the question of the representation of municipal bodies on the Provincial Legislative Council, it is clear that Government is entitled to lay down a standard of qualification which seems to be essential in the case of a member of a legislative body. A person whose social standing, education, and experience may well entitle him to have a voice in the control of the affairs of his own town is not necessarily qualified to deal with questions which affect the community of a province at large.

In the case of district boards I do admit that there is scope for the system of representation by classes. These boards control the administration of large areas, and

in the exercise of their functions they are called upon to consider the interests of different classes of the community. They deal with such problems as education, public works, the improvement of agriculture and industries, public vaccination, sanitation and the establishment of famine preventive works. We might therefore very well alter the electoral system of the district boards so as to provide for representation on a wider basis than we have now. Under the present rules the minimum number of elected members for each boards is twelve, and it would be possible under these conditions to secure the representation of occupational groups in the manner suggested in the Government of India's letter. If necessary the boards might be enlarged for this object.

No difficulty can arise here as in the case of municipal boards, for Government has always kept in its own hands the power of selecting the electoral body, and the electoral body is small, not exceeding 100 members for each tahsil of a district. Any alteration we should make would be in the direction of enlarging the list of voters, and would not be open to the objection of being a reactionary measure. I would propose, therefore, that the electorate for district boards should be enlarged by the bestowal of a right to vote upon the better class tenants, artizans, and traders in each tahsil. A tenant paying a rental of Rs. 100 a year, a trader paying an income tax of Rs. 20 a year, and an artizan paying any income tax at all should all have a right to vote, and every district board should have at least one representative from each of these classes.

As in the case of municipal boards, so in the case of district boards, it is necessary to lay down a special qualification for those who aspire to represent district boards on the Provincial Legislative Council. Insistence on this special qualification will no doubt debar tenants, petty traders and artizans from direct representation; for it is not likely that any member of these classes will fulfil the required conditions at present. We do, however, achieve something in the way of wider representation by giving these sections of the community seats on the district boards and the right to vote for representatives of those boards on the Council.

The proposal of this Government is to allot four seats on the Provincial Legislative Council to representatives of municipalities. Two of these places are to be divided among the six large municipal towns in turn, the remaining two being reserved for representatives of the smaller municipal towns and of the large municipal towns which are for the time being without a member. There are at present in these provinces (according to the Municipal Manual) eighty-nine municipalities divided into five classes on the basis of population. Under our present system only forty out of these have a voice in the election of municipal representatives on the council. These forty consist of—

Class I	7
Class II	10
Class III	13
Class IV	10

so that six municipalities of class III, twenty-six of class IV, and all of class V are excluded from participation in the elections.

It is now proposed to restrict representation on the council to municipalities having a population of over 20,000; that is to say, to the municipalities which fall within classes I, II, and III only, the number of which is thirty-six. The result will be that fewer municipalities will be represented (thirty-six as against forty) while ten municipalities of class IV which now enjoy the right to vote will be deprived of it.

On this score the proposals of this Government appear open to objection as involving a restriction instead of an extension of representation. I think it would be sounder, and more in harmony with the policy of the Government of India as expressed in their letter, to provide for the representation of all municipalities. By doing so I think we should stimulate the interest taken in local self-government.

I agree that the large municipal towns are entitled to separate representation, but I think at the same time that this is adequately secured by the allotment of two seats.

I would suggest that the two remaining seats should be reserved exclusively to the smaller municipalities, giving one of them to a representative from municipalities of classes II and III (twenty-nine in number) and the other to a candidate chosen by classes IV and V (fifty-three in number).

In carrying out this proposal it would be necessary to lay down different standards of qualification. We could not hope to obtain from minor municipalities representatives of the same standing as we should get from the large cities.

For municipal candidates for the council I should fix the qualifications as follows:—

(I) Class I	... Income of not less than Rs. 5,000 a year.
(II) Classes II and III ...	... Income of not less than Rs. 3,000 a year.
(III) „ IV and V ...	... Income of not less than Rs. 1,500 a year.

In all cases residence within a municipality to be an indispensable condition. (Literacy is of course assumed to be an essential qualification in the case of all candidates for the council.)

District boards.—These are to supply three members to the council—two from Agra and one from Oudh. I have already put forward suggestions for the reconstitution of these boards on a more thoroughly representative basis.

The qualifications necessary in a candidate for the council from these boards should, in my opinion, be—

(*a*) in the case of landowners, payment of not less than Rs. 5,000 a year land revenue;

(*b*) in the case of traders, an income of not less that Rs. 5,000 a year. Every candidate to be a resident of these provinces.

Landholders.—This class is to furnish two members of the council—one elected from Agra, the other being nominated for Oudh by the British Indian Association. I think this number is sufficient, particularly as one or two of the three district boards representatives will in all likelihood be drawn from this section of the community.

The qualification for a seat should be in this instance the payment of land revenue of not less than Rs. 5,000 a year. I should prescribe the same qualification for a right to vote. To fix a lower standard would give us an inconveniently large electorate.

Muhammadans.—The proposal is to have four Muhammadan members—two elected and two nominated.

In the case of elected members the electoral body is to consist of—

(*a*) Muhammadan fellows of the Allahabad University;

(*b*) Muhammadan registered graduates;

(*c*) Muhammadans paying land revenue Rs. 5,000 a year and upwards;

(*d*) Muhammadans paying income tax on Rs. 5,000 a year.

I am in favour of this scale of qualifications, although as regards (*d*) it is less liberal than the proposal made in paragraph 17 of the Government of India's letter to confer the franchise upon all Muhammadans who pay any income tax at all. India's suggestion would give us an unduly large electorate and would probably result in an undue representation of the trading and professional classes.

The qualifications prescribed for Muhammadan electors would serve as qualifications for candidates as well. I do not think any special qualification for these latter is called for. The reservation of two seats by nomination will enable the Local Government to arrange for the representation of any special section or sections of the Muhammadan community which may be deemed expedient.

No. 66/XV—5, dated the 20th January 1908.

From—C. E. CRAWFORD, ESQ., *Magistrate and Collector of Azamgarh,*

To—Commissioner, Gorakhpur division.

SIR,—With reference to your no. 297/XV—27, dated the 22nd October 1907, I have the honour to say that I have consulted the members of the district and

municipal boards and the leading officials and gentlemen of the district, and to report as follows.

2. To begin with the composition of district and municipal boards. Setting aside the general question of the representation of Muhammadans, it was agreed that the present system of district board election was satisfactory, and that the members may be regarded as fairly representative of the landholding interest and the people generally as far as they are concerned with matters within the purview of the district board. It was suggested that the elector's lists required rather more inspection and supervision by the Collector personally. With these opinions I agree. There seems to me no necessity for endeavouring to force occupational group on the district board, and the idea of having representatives of tenants as opposed to landholders is entirely inapplicable to this district.

3. With regard to the municipal board the present system is not so satisfactory as the trading classes are almost entirely excluded from representation. It is said that this is not regarded as a grievance, and that the efficient members of those classes are not willing to give up the necessary time, but this absence of traders on the board is certainly a serious defect and in my opinion requires remedy. I would suggest that a certain number of seats should be reserved for persons actively engaged in banking and commerce; this number to be fixed by Government after consideration of the circumstances of each municipality. The general opinion here is decidedly adverse to the constitution of occupational electorates, and I personally cannot see that there is any necessity for them. It will be time to consider the matter when it is seen that members elected by the ordinary constituencies are not really as representative traders as could be obtained from election by a trading constituency. It will not, I think, be difficult to select the wards in which one or more seats should be reserved for the trading classes.

4. With regard to the representation of Muhammadans it cannot be denied that there is a strong body of Muhammadan opinion in favour of a determination of the number of seats due to Muhammadans, and the constitution of a separate Muhammadan electorate for those seats. It seems to me, however, distinctly undesirable for Government to admit that there is any real difference of interest between Hindus and Muhammadans in matters of district and municipal administration or to discriminate between them until it is absolutely compelled to do so. The original constitution of separate electorates would certainly lead to ill-feeling, and, I believe, to the election of intolerant rather than tolerant persons on either side. I would suggest that any determination of Muhammadan seats be confined to those boards from which it is clear that they are being habitually excluded, and that senior inequalities due to apathy or chance rather than design be rectified by nomination. When the number of Muhammadan seats has to be deprived the election should be left in the hands of the ordinary constituency until it is clear that Muhammadans so elected are not truly representative of their co-religionists.

5. To continue this question into the constitution of the Provincial Legislative Council, the necessity for some special representation of Muhammadans may be admitted and no exception can be taken to the proposal that they should elect two members themselves. But for Government to bind itself to nominate two more regardless of any that may be elected to the seats open to general election, is at any rate liable to be construed as a declaration that the other seats are in practice to be reserved for Hindus. This seems to be an undesirable declaration to make,—at any rate until it is clear that even with the largely extended number of seats open to election Muhammadans have no chance of being elected by a mixed constituency of Hindus and Muhammadans. I would suggest that Government should reserve these two seats for the purpose of rectifying inequalities should such arise, if necessary assuring the Muhammadans that the total number of seats occupied by them shall never be less than four.

6. As to the proposed constitution of the council, no one has made any suggestion for altering the distribution proposed by His Honour the Lieutenant-Governor,

except that the confining of municipal representation to towns of over 20,000 excludes the town of Azamgarh itself. This town appears to have at least as good a claim to representation as outlying municipalities in other districts with populations of over 20,000 and I would suggest that all headquarters municipalities should be represented or at any rate all with populations of over 10,000.

7. With respect to the qualifications for membership of municipal and district boards, the general opinion (with which I agree) is that no new qualification is required, and I am not aware that any persons have been elected here who would have been excluded by any reasonable qualification. With respect to the membership of council, as long as the present system of election at a meeting is observed, there does not appear any great reason to apprehend that persons of insufficient standing will be elected ; but as it is possible that a class of professional politicians may arise, it would, I think, be advisable to fix some moderate proprietary qualification at the outset as a matter of course rather than to introduce it afterwards.

8. With regard to the system of election in the case of the two Muhammadan members, no one here has any suggestion to offer. I presume that votes may be recorded in the district of residence of the voter, as otherwise the candidates at the election centre will have an overwhelming advantage and the election is likely to fall into the hands of a small section of the electors—a most undesirable result. With respect to the representative of the landholders of Agra it would appear advisable to select him alternatively from the western and eastern halves of the province. The conditions of the two are very different, and a system of election by landholders paying over a certain fixed amount of revenue would, I believe, give a permanent preponderance of votes to the western districts. It seems probable that a better system of election in this case would be for the landowners of each district paying over a certain amount of revenue varying according to the conditions of the district to meet and elect a representative and the representatives could then meet and elect a member for their section of the province. It has been suggested to me—and this seems a very reasonable suggestion—that in all these special electorates title holders of the class concerned should have a vote regardless of their income.

9. There remains, then, the question of the advisory council. The members of the municipal board have sent me proposals for the election of this council (with the exception of four members) by the district and municipal boards of each division. I do not imagine that a useful council will be obtained in this manner, but the proposal seems sound in one respect, namely that every division should be represented on the council, and I would suggest that one prominent landholder should be selected from each division in the province which is not already represented on the Provincial council by an Imperial council. I presume that a certain number of the councillors will be selected from the elected non-official members of the Legislative Council, and do not think that public opinion at all requires or desires any further admission of the elective element into this council.

The only other suggestion I have to make is that one, or possibly two, retired servants of Government should invariably be appointed councillors. There are no better advisers available.

No. 957/XV—2, dated the 15th December 1907.

From—H. T. MORGAN, ESQ., *Collector of Basti,*

To—Commissioner, Gorakhpur division.

SIR,—With reference to your endorsement no. 296/XV—27, dated the 22nd October 1907, asking for opinion on the proposals contained in G. G. O. no. 2310/2317, dated the 24th August 1907, in regard to advisory councils, &c., I have the honour to report that I have endeavoured to discover what local opinion is on the subject, but have not obtained anything more than negative criticisms.

2. As regards the Imperial advisory council, the feeling is that the proposals made in paragraph 5 of the Government of India's letter are inconsistent with the reasons for the proposals given in paragraph 2. It is contended that with a few honourable exceptions native chiefs and territorial magnates know nothing of the wants and aspirations of the people, and that a council which includes this element only will be out of touch with the country If the council is to be representative of the people it should contain some proportion of elected members. It is also urged that the council should be invested with some power of initiative, and that its proceedings should be public in order to give effect to the wishes of the Government of India as expressed in paragraph 3 of their letter. All these suggestions appear to overlook entirely the essential difference between an advisory council and a legislative or executive council and the fact that the large mass of the people look up to the territorial magnates as their natural leaders.

3. As regards the Provincial advisory council, it is contended that the legal profession and educationists should find adequate representation. This, however, is already conceded by the Government of India in paragraph 6 of their letter. Probably five members will be imperial councillors. Of the rest eight might be representative of the smaller landholders, who form the backbone of the country, four of the professional classes, six of the commercial and trading classes, and two of the non-official Europeans.

4. As regards the constitutions of the Imperial Legislative Council it is suggested that commerce should be represented by at least four members instead of two, and that two of these at least should be Indians. It is also suggested that the Universities should have two representatives, and the professional classes two more ; and that the experts nominated by the Viceroy should be Indians whenever possible.

5. Similarly on the Provincial Legislative Council they would have two representatives of the University and two of the legal profession. The latter suggestion appears to be entirely superfluous considering that the representatives of boards are generally of that profession, and that their number has hitherto crowded out other interests,

6. I have not been able to obtain any opinion of any value on the matter of elections for boards. All are agreed that the present system of election is a farce, but attribute this rather to the extent of official control over the board than to the fact that the selection of voters rests ultimately with the patwari. Any distinction of electors on the basis of caste or religion is deprecated, and this although it is admitted that in India religion and politics have generally gone together and that caste associations are probably stronger to-day than they have ever been before. The idea seems to be that the recognition by the State of any connection between caste or religion and politics would endanger the results of western education. The suggestion that the electorate should be divided into classes representing large landholders, small landholders, tenants, artizans, traders, and professional classes, and that each class should have seats allotted them, meets with greater favour. The qualifications for the landed classes would remain as at present ; the voters in the other classes would be payers of income tax.

No. 743/XV—42-3, dated Sultanpur, the 14th December 1907.

From—Abdullah *ibn* Khan Bahadur Yusuf Ali, Esq.,

Offg. Deputy Commissioner of Sultanpur,

To—Commissioner, Fyzabad division.

Sir,—With reference to your circular no. 23-333/XV—7-2, dated the 21st October 1907, forwarding for opinion certain proposals of the Government of India and of the Local Government on the question of giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to submit a few remarks. I regret that press of work in connection with the preparations for famine relief has precluded my giving the subject the detailed study which its importance demands.

2. I have freely consulted, in oral conference and in writing, representatives of enlightened local opinion in various walks of life. The Raja of Kurwar seems

to voice general opinion in pointing out that some educational qualification in the members, both those appointed to the advisory councils and those elected to the Legislative Councils, would make the membership more appreciated by their recipients and more respected among the public at large. The immemorial tradition of the East has been in favour of the association of "the learned" with the executive power. This tradition is carried to extreme lengths in China, where the class of the *literati* forms the official hierarchy, but it has always been recognized in both Hindu and Muhammadan systems of government, and its recognition wherever possible in the reconstitution of the machinery by which Government is to be brought into closer touch with the people of India would have the advantage of a deep-seated tradition to recommend it to the people.

3. I am aware of the crudeness of some of the proposals that are put forward on this head, such, for example as an "entrance" qualification for members of the advisory and Legislative councils. Nor do I lose sight of the fact that university representation is among the recognized principles governing election to the Provincial Legislative Council of these provinces. But I venture to suggest that men of both the old and the new learning should have a voice in the advisory councils and in the Imperial Legislative Council, and that the principle of university representation, already recognized in the Local Government's proposals for the Provincial Legislative Council of these provinces, may be embodied in the general principles accepted by the Government of India for the constitution of Provincial Legislative Councils. To reduce the suggestion to definite shape, I would propose for consideration the following propositions:—

(*a*) That all persons holding the title of Shams-ul-Ulama or Mahamahopadhyaya or corresponding titles in Burma should be appointed to the Provincial advisory council of the province in which they reside.

(*b*) That such persons should in each province constitute a special electorate for the election of a single member from among themselves for the Imperial advisory council.

(*c*) That they should also elect from among themselves one or two members, acquainted with English, to their Provincial Legislative Council.

(*d*) That each University in British India should, in rotation, elect a member, being a graduate of that university, to the Imperial Legislative Council.

(*e*) That in all provinces in which there is a university, the University should elect one of its graduates to the Provincial Legislative Council.

4. As regards the constitution of the Provincial advisory council, if the suggestion made in paragraph 3 (*a*) above is approved, there will be for this province seven Mahamahopadhyayas and four Shams-ul-Ulamas, or eleven representatives of the old learning. Then there would be the Imperial councillors belonging to this province, and representing its aristocratic landed interest, to the number of (probably) ten. The smaller landed interest might be represented by representatives nominated by district officers, one for each district of half the province alternately for five years, to the number ef twenty-four. The Chamber of Commerce, Cawnpore, the mill owners of the province, the Bar Associations of Allahabad and Lucknow, and the University of Allahabad might each have a representative to the number of five. This would give about fifty representatives in the aggregate, but the number of Shams-ul-Ulamas and Mahamahopadhyayas might vary from quinquennium to quinquennium. I would not rigidly fix the number for the Provincial advisory council. If the approximate number fifty is considered too large, the smaller landed interest might be represented by a representative for each division nominated by the Commissioner—nine for the whole province instead of twenty-four. But it will probably be found in practice that the attendance at advisory councils, when they are actually summoned to meet, will not be anything like full, and bearing this consideration in mind, I do not think that fifty would be too large a number.

5. The composition proposed for the non-official portion of the Provincial Legislative Council in the Local Government's proposals provides for the representation of all the important interests in the province. The landholders of Agra are to be represented by an elected representative, and those of Oudh by a repreentative nominated by the British Indian Association. The landed interest in Oudh will thus be represented by the talukdari interest only: if possible I should like to see the other lanholders, not being talukdars, also represented. The election of such an member, I would suggest, might be by electors, landholders who are not talukdars, but who *may* be under-proprietors, nominated by the district officers for each of the Oudh districts. If this suggestion is accepted, the province of Agra may be put on a footing equal to Oudh by the grant of two elected representatiives of the landed interest—one representing the big landholders paying in Government revenue Rs. 25,000 or over, and the other representing the smaller landholders.

6. On the subject of Muhammadan representation the proposals made in the Local Government's letter no. 1511/III—416, dated the 7th October 1907, appear to be suitable, except that for the electorate for the Imperial Legislative Council I would have Muhammadans paying a land revenue or income tax of Rs. 10,000 or over. The limit of Rs. 25,000 appears to be too high considering the circumtances of the Muhammadan community of the United Provinces.

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